

PART II

**GENERAL
LEGISLATION**

Chapter 124

ANIMALS

ARTICLE I Dogs

- § 124-1. License tag required.
- § 124-2. Dog pound; enforcement.
- § 124-3. Running at large.
- § 124-4. Impoundment.
- § 124-5. Removal of waste.
- § 124-6. Noise control.
- § 124-7. Citations.
- § 124-8. Inoculation.
- § 124-9. Violations and penalties.

ARTICLE II Animal Control

- § 124-10. Definitions.
- § 124-11. Keeping certain animals prohibited.
- § 124-12. Requirements for vicious dogs.
- § 124-13. Animal control officer.
- § 124-14. Impoundment.
- § 124-15. Requirements for dangerous animals.
- § 124-16. Violations and penalties.
- § 124-17. Enforcement.
- § 124-18. Exemptions.
- § 124-19. Liability.
- § 124-20. Accidents.

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

ARTICLE I Dogs

[Adopted 8-15-1963 by Ord. No. 118; amended in its entirety 3-17-1992]

§ 124-1. License tag required.¹

It shall be unlawful for any person to keep, harbor or have the care or charge of any dog, male or female, more than five months of age on January 1 of any year, or five months of age within the license year, within the Town of Goodman, unless such dog shall wear a collar to which is attached the license tag provided for by the laws of the State of Wisconsin.

§ 124-2. Dog pound; enforcement. [Amended 6-18-2001]

The Town Board shall forthwith provide a dog pound in which shall be impounded all dogs found in violation of this article. It shall be the duty of the animal control officer or other qualified police officer to enforce the provisions of this article. Animals may remain

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

impounded until the animal control officer has had adequate time to review records of licensing and inoculation.

§ 124-3. Running at large.

- A. It shall be unlawful for any person to permit or allow any dog, whether licensed or unlicensed, to run at large unless under reasonable control of some person or while engaged in lawful hunting accompanied by its owner or some person, and further every dog shall at all times between sunset of each day and sunrise of the following day be confined upon the premises of its owner or custodian, except when said dog is otherwise under the reasonable control of some person or its owner.²
- B. For the purposes of this section, a dog shall be deemed under reasonable control when said dog is:
- (1) With the owner or some member of the owner's family.
 - (2) Within 15 feet of the premises of the owner and not with the owner or some member of the owner's family.
- C. For the purposes of this section, a dog shall be deemed not to be under reasonable control:
- (1) When said dog commits damage to the person or property of any other than the owner, except in the defense of the owner, his family or his property; or
 - (2) In the case of a female dog while in heat, when off the premises of the owner, unless confined in the process of being transported to or from the premises of the owner.

§ 124-4. Impoundment. [Amended 6-18-2001³]

- A. It shall be the duty of the animal control officer, as soon as any dog may be received by him under the provisions of this article, to notify the owner personally or through the United States mail, if such owner is known to the officer or can be ascertained with reasonable effort. Such officer shall carefully read the "lost and found" column of local daily newspapers having general circulation in the community to determine whether or not a dog is therein advertised which answers the description of any such impounded dog and shall promptly communicate with the advertiser thereof if such is found. If such owner is unknown or cannot be ascertained, then the officer shall post written notice in three public places in the Town, giving a description of the dog and stating where it is impounded and the conditions for its release with 48 hours, Sundays excepted, after such officer shall have taken such dog into his possession. If after 10 days the owner does not claim such dog, such officer shall dispose of the dog in a proper and humane manner.

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

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

- B. Every officer to whom a dog is delivered under Subsection B shall keep a record of every dog sold or otherwise disposed of, describing the dog with reasonable certainty of identification and listing the name and address of the party to whom sold or delivered or the manner of otherwise disposing of the dog. In addition, any person to whom such dog is sold or delivered must sign a statement to that effect, giving his name, address and the date of delivery or receipt of such dog.
- C. Owners of all dogs impounded under the provisions of this article may claim the same by properly identifying themselves as the owner of said animal and by paying the sum of \$10 for each day or part of each day such dog is in the custody of the animal control officer and shall pay in addition thereto an impounding fee of \$20; provided, however, that a proper license is produced for such dog in the event that such dog is not already licensed. Fees shall double for fourth and consecutive violations within any twelve-month period. It shall be unlawful for any person to claim or attempt to claim any dog under the provisions of this article when such person is not the legal owner of such dog. Fees for the sale of dogs shall be determined by the animal control officer and shall be in addition to the impounding fee of \$20 and per-day care fee of \$10.

§ 124-5. Removal of waste. ⁴

The owner or person in charge of any dog shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, other than the property of the owner of the dog, unless such matter is immediately removed therefrom by said owner or person in charge. Anyone walking a dog without proper cleanup materials may be deemed in violation of this section. The owner or person in charge of an animal must also prevent accumulation of animal waste on his own property by the regular removal and disposal of such waste, so as not to attract rodents or insects, become unsightly, cause objectionable odors, or result in any other condition recognized as a nuisance by this Code or Wisconsin Statute. This section shall not apply to a person who is visually or physically handicapped.

§ 124-6. Noise control. ⁵

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance. A dog is considered to be in violation of this section when two formal, written complaints are filed with the Town Board within a four-week period.

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

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

§ 124-7. Citations. [Amended 6-18-2001⁶]

The animal control officer may issue a warning citation for nuisance animals or barking dogs.

§ 124-8. Inoculation.

No person shall keep a dog within the limits of the Town of Goodman for a period in excess of 48 hours unless the same shall have been properly inoculated against hydrophobia, and such person shall, upon demand made by any police officer or animal control officer, display a certificate of inoculation signed by a duly licensed veterinarian.

§ 124-9. Violations and penalties. ⁷

Except where otherwise prescribed by state law, any person guilty of violating the provisions of this article shall, upon conviction thereof, be subject to a forfeiture of not more than \$100, together with costs of said action, and in default of the payment thereof shall be imprisoned in the county jail until such forfeiture and subsequent costs have been paid, but not to exceed 30 days. When using a citation form of enforcement, the deposit allowed shall be \$50 for a first offense or \$100 for a second or greater offense within five years.

ARTICLE II
Animal Control

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

§ 124-10. Definitions.

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

ANIMAL — Any living vertebrate, domestic or wild, except a human being, which may be affected by rabies.

DANGEROUS ANIMAL — Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property; any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation, on public or private property; any animal owned, harbored, or trained primarily or in part for the purpose of fighting; and vicious dogs. For the purpose of enforcing this article, an animal shall be deemed as being dangerous if within any twelve-month period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances. Also, upon any complaint and response, a deputized officer may determine an animal to be dangerous whether or not injury has occurred. In such cases the restrictions within this article shall immediately apply.

KENNEL — Any establishment wherein or whereon dogs are kept for the purpose of boarding, breeding, sale or sporting purposes.

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

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

OWNER — Any individual, partnership or corporation that has the right of property in an animal, or who or which keeps, harbors, cares for, or acts as its custodian, or who or which knowingly permits an animal to remain on or about his or its premises/property for five or more consecutive days.

VICIOUS DOG — Any dog or hybrid dog with a propensity, tendency or disposition to attack, assault, cause injury to or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner, including but not limited to the following breeds: the pit bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and dogs whose breed or mixed breed is commonly known as "pit bull," "pit bull dog" or "pit bull terrier."

§ 124-11. Keeping certain animals prohibited.

- A. No person shall possess, own, keep or harbor a dangerous animal, including vicious dogs, within the Town of Goodman. Any animal alleged to be dangerous, as defined above, shall be impounded until disposition of the charge issued by the citation and as outlined in this article. Complaints shall be filed with the Town Clerk.
- B. No person shall keep any animal which:
- (1) Habitually pursues any vehicle upon any public street or highway in the Town.
 - (2) Destroys property.
 - (3) Is at large within the limits of the Town of Goodman.
 - (4) Habitually barks or howls to the annoyance of any person or persons.
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

§ 124-12. Requirements for vicious dogs.

Owners of animals classified as vicious dogs residing in the Town of Goodman prior to the passage of this article shall comply with the following requirements:

- A. Leash and muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than three feet in length and muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

- B. **Confinement.** All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subsection A above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town of Goodman. All structures shall be adequately lighted and ventilated and maintained in a clean and sanitary condition.
- C. **Confinement indoors.** No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- D. **Prohibited in multiple dwellings.** No vicious dog may be kept within any portion of any multiple dwelling.
- E. **Signs.** All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this article, display in a prominent place on their premises a sign easily readable by the public with letters not less than two inches in height stating "Danger — Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

§ 124-13. Animal control officer.

The Goodman Town Board may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of a Town animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs. The Town Board delegates to any such animal control officer the authority to act pursuant to the provisions of this article.

§ 124-14. Impoundment.

- A. It shall be the duty of the Town of Goodman animal control officer and any other person designated by the Town Board to seize any animal whose owner is alleged to have violated this article and transfer it to the humane society. No person shall fail to produce or surrender up any animal to the Town. The officers of the Town shall have the right to pursue an animal upon the premises of the owner or elsewhere. Any law enforcement officer, animal control officer, zoning administrator, or duly appointed Town official may enter and inspect private property to enforce the provisions of this article. The animal control officer shall carefully keep a record of the breed, sex, color and markings of every dog impounded, together with the date and hour of such impounding.

- B. The owner of the animal immediately impounded pursuant to this section shall be notified in person or by certified mail within five business days after the animal's impoundment.
- C. The notice of impoundment shall inform the owner of the animal that he may request, in writing, a trial to contest the impoundment within five business days after the animal's impoundment.
- D. Upon a request for a trial, a trial date shall be scheduled within 10 business days after such request. Notice of the date, time and location of the trial shall be sent by first-class mail to the owner requesting the trial.
- E. If such owner is unknown or unascertainable, a notice shall be published in the local newspaper giving a description of the animal and stating where it was impounded and conditions for its release. If within seven days after such notice no owner claims the animal, the animal may be destroyed in a proper and humane manner. However, if an animal before being impounded has bitten a person, the animal shall remain impounded for 10 days for observation purposes.
- F. If, after a trial on impoundment, the court finds no violation of this article the animal shall be returned to its owner.
- G. If the court finds any violation of this article the court may proceed under this article to enforce such. The owner of the animal shall be liable for the costs of impounding, keeping, or destroying said animal. If the animal is not reclaimed within five business days of the disposition of the charge issued, the animal may be destroyed in a proper and humane manner.

§ 124-15. Requirements for dangerous animals.

The owner of any animal determined by the court to have violated any provision of this article shall be subject to all of the following requirements:

- A. **Registration.** The owner of any dangerous animal shall register it with the Town Clerk upon disposition, and annually thereafter before July 1 of each year, by providing a current color photograph of the animal and payment of the registration fee set by the Town Board. Upon payment of the fee and satisfactory proof of compliance with the provisions and conditions of this article, the owner shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept. The owner shall update the Town Clerk upon moving the dangerous animal to another location within five days of the moving.
- B. **License and rabies certificate.** At the time of registration and annually thereafter, the owner of any dangerous animal shall also provide proof of current license and rabies certificate as required in this article.
- C. **Liability insurance.** At the time of registration, the owner of any dangerous animal shall provide proof of liability insurance in the amount of at least \$250,000 for any acts of property damage or liability incurred by virtue of injury inflicted by such animal. Such

insurance shall name the Town of Goodman as coinsured solely for the purpose of cancellation of the policy.

- D. Display of standard sign. The owner of any dangerous animal shall display a "Beware of Dog," "Danger — Vicious Dog" or "Beware — Dangerous Animal" sign on the premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the sign shall include a pictorial symbol warning children of the presence of a dangerous animal.
- E. Collar. The animal shall wear a collar at all times.
- F. Duty of restraint of animal while on owner's property. While on the owner's property, a dangerous animal must be securely and humanely confined indoors or in a secure enclosure and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by 10 feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.
- G. Duty of restraint of animal while off owner's property. A dangerous animal may be off the owner's premises if it is muzzled and restrained by a collar with harness and a heavy-duty lead not exceeding three feet in length and is under control of an adult, able-bodied person. The muzzle must be made in a manner that prevents the animal from biting any person or animal.
- H. Expenses. In addition to the foregoing restrictions, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care, and expert testimony fees, necessitated by enforcement of this article.

§ 124-16. Violations and penalties.

Any owner who violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this article may also be required, upon conviction, to forfeit \$100 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

§ 124-17. Enforcement.

The animal control officer or designated representative shall have the authority to issue a warning or a fine or to implement the impoundment section of this article or utilize any other section of this article for its enforcement.

§ 124-18. Exemptions.

The provisions of this article regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes and dogs used for hunting purposes as defined by Department of Natural Resources hunting regulations.

§ 124-19. Liability.

The Town Goodman or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this article.

§ 124-20. Accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat, or other animal which appears to be a pet shall immediately notify the Town of Goodman animal control officer or the Goodman Town Clerk.

Chapter 136

BOATING AND FISHING

ARTICLE I Lake Hilbert

- § 136-1. Intent.
- § 136-2. Applicability and enforcement.
- § 136-3. State boating and safety laws adopted.
- § 136-4. Definitions.
- § 136-5. Speed restrictions.
- § 136-6. Water-skiing.
- § 136-7. Violations and penalties.

ARTICLE II Lake Oneonta

- § 136-8. Applicability and enforcement.

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

- § 136-9. Intent.
- § 136-10. State boating and safety laws adopted.
- § 136-11. Motorboats restricted.
- § 136-12. Posting requirement.
- § 136-13. Violations and penalties.

ARTICLE III Goodman Trout Pond

- § 136-14. Limitation on fishing.
- § 136-15. License required.

ARTICLE I Lake Hilbert

[Adopted 10-17-1988 by Ord. No. 138]

§ 136-1. Intent.

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

§ 136-2. Applicability and enforcement.

The provisions of this article shall apply to the water of Lake Hilbert within the jurisdiction and boundaries of the Town of Goodman in Marinette County and the Town of Armstrong Creek in Forest County, Wisconsin. The provisions of this article shall be enforced by the officers of the Towns, including constables, together with any and all state and county officers authorized by law to enforce the same.

§ 136-3. State boating and safety laws adopted.

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

§ 136-4. Definitions.

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

PUBLIC ACCESS — Any access to water by means of public property.

SHORE ZONE — All surface within 200 feet of the shoreline.

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

SWIMMING ZONE — An authorized area of water established by regulatory markers to designate a swimming area.

§ 136-5. Speed restrictions.

A slow-no-wake speed will be strictly adhered to during the hours from 7:00 p.m. to 10:00 a.m. At all times, the speed of a boat shall be controlled so as to avoid colliding with any object lawfully in or on the water and for the safety of all persons in or upon the lake or objects in or on the lake. No person shall operate a boat at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

§ 136-6. Water-skiing.

A person shall not operate a boat towing a person or persons on water skis, surf boards, discs, or similar equipment on the lake during the hours between 7:00 p.m. and 10:00 a.m. and must obey state laws if more restrictive on hours of operation.

§ 136-7. Violations and penalties.

For penalty range, § 30.80, Wis. Stats., is incorporated herein by reference. A specific bond schedule may be adopted as part of this article or by separate ordinance.

ARTICLE II**Lake Oneonta**

[Adopted 11-12-1997 by Ord. No. 144]

§ 136-8. Applicability and enforcement.

- A. The provisions of this article shall apply to the waters of Lake Oneonta.
- B. This article shall be enforced by the officers of the Town of Goodman.

§ 136-9. Intent.

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

§ 136-10. State boating and safety laws adopted.

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

§ 136-11. Motorboats restricted.

No person shall operate a motorboat, as defined in § 30.50(6), Wis. Stats., that is propelled by internal combustion engine or engines on the waters of Lake Oneonta. Electric motors are permitted on said waters.

§ 136-12. Posting requirement.

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

§ 136-13. Violations and penalties.

Wisconsin state boating penalties as found in § 30.80, Wis. Stats., are adopted by reference.

ARTICLE III
Goodman Trout Pond
[Adopted 6-4-2007 by Ord. No. 152]

§ 136-14. Limitation on fishing.

Fishing in the Goodman Trout Pond shall be limited to:

- A. Children 15 years and under.
- B. Adults 62 years and older.
- C. Persons disabled or handicapped.

§ 136-15. License required.

All persons fishing in the trout pond, as required by law, must have a trout stamp and fishing license.

Chapter 140

BUILDING AND MECHANICAL STANDARDS

- | | |
|---|--|
| § 140-1. Authority. | § 140-10. Issuance of permit. |
| § 140-2. Purpose. | § 140-11. Occupancy permit. |
| § 140-3. Definitions. | § 140-12. Unsafe buildings. |
| § 140-4. Scope. | § 140-13. Fees. |
| § 140-5. Permit required. | § 140-14. Violations and penalties. |
| § 140-6. Adoption of state codes. | § 140-15. Stop-work orders. |
| § 140-7. Scope of Uniform Dwelling Code expanded. | § 140-16. Variances. |
| § 140-8. Building Inspector. | § 140-17. Appeals. |
| § 140-9. Submission of plans. | § 140-18. Disclaimer and nonliability for damages. |

[HISTORY: Adopted by the Town Board of the Town of Goodman 2-18-2008 by Ord. No. 154. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 282.

Water — See Ch. 317.

§ 140-1. Authority.

These regulations are adopted under the statutory authority granted pursuant to §§ 101.65, 101.76, and 101.761, Wis. Stats.

§ 140-2. Purpose.

The purpose of this chapter is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

§ 140-3. Definitions.

As used in this chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code definitions.)

ALTERATION — An enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilation, air-conditioning and other systems within a dwelling.

BUILDING — Any structure erected or constructed of wood, metal, stone, plastic or other materials which is intended to be used by human beings or animals for occupancy, livery,

commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.

BUILDING INSPECTOR — The individual(s) or firm appointed by the municipality to exercise all of the powers and duties of a building inspector under Wisconsin law.

CONSTRUCTION — Any part or portion of the activity of installing, locating, siting, erecting or raising a building.

CONTRACTOR — Any person, firm or entity that undertakes an activity related to the construction of a building other than the mere provision of supplies and materials.

DEMOLITION — The activity of completely or partially destroying a previously erected or constructed building.

ELECTRICAL — The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric-generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.

HVAC — An acronym which stands for "heating, ventilating and air conditioning"; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

OCCUPANCY — The act of utilizing a building for human habitation, use or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

OWNER — The individual, firm or entity who or which has record title to the real estate on which construction or demolition is taking place.

PLUMBING — The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot-water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.

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

STOP-WORK ORDER — A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

§ 140-4. Scope.

Pursuant to all building permits issued after posting of this chapter, this chapter applies to all one- and two-family dwellings, additions, remodels, and accessory structures (garages and decks). Notwithstanding this section, this chapter shall not apply to commercial buildings/structures, swimming pools, agricultural buildings or children's play structures.

§ 140-5. Permit required.

- A. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.
- B. The construction which shall require a building permit includes, but is not limited to:
- (1) New one- and two-family dwellings, accessory structures (garages, sheds and decks) 250 square feet or greater in size, and handicap ramps.
 - (2) Additions that increase the physical dimensions of a building, including decks.
 - (3) Alterations to the building structure with a value greater than \$5,000 (cost shall include market labor value) or alterations to the building's heating, electrical or plumbing systems.
 - (4) One- and two-family electrical wiring for new construction or remodeling.
 - (5) One- and two-family HVAC for new construction or remodeling.
 - (6) One- and two-family plumbing for new construction or remodeling.
 - (7) Any new or rewired electrical service (electrical service upgrade).
 - (8) Alterations/remodeling less than \$5,000 in value; provided, however, that no building inspections will be required. Such alterations/remodeling will require field verifications only. **[Added 4-21-2008]**
- C. The following construction activities shall not require a building permit:
- (1) Commercial buildings/structures.
 - (2) Agricultural buildings.
 - (3) Swimming pools.
 - (4) Residing, reroofing and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector. Notwithstanding this subsection, however, a permit accompanied by structural load-bearing calculations shall be required for reroofing a building if the proposed reroofing would constitute a third or more layer of roofing.

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

- (5) Replacement of major building equipment, including furnaces and central air conditioners, water heaters and any other major piece of equipment.
- (6) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, dimmers and fixtures.

§ 140-6. Adoption of state codes.

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. Comm 5	Licenses, Certifications and Registrations
Ch. Comm 16	Electrical
Chs. Comm 20 to 25	Uniform Dwelling
Chs. Comm 81 to 87	Plumbing

§ 140-7. Scope of Uniform Dwelling Code expanded.

For the purposes of this chapter, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:

- A. Additions and alterations for one- and two-family dwellings built prior to June 1, 1980.
- B. Detached accessory buildings greater than 250 square feet serving one- and two-family dwellings.
 - (1) Frost protection for footings and foundations.
 - (a) Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab shall not be less than four inches in thickness. Reinforcement shall be a minimum of six-by-six-inch number 10 wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab.
 - (b) Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than 48 inches below grade per Ch. Comm 21, Wis. Adm. Code.
 - (2) Concrete slabs, frost-free footings and the like are not required for detached accessory buildings less than 250 square feet in size, but if they are installed they shall follow Subsection B(1) above and/or Ch. Comm 21, Wis. Adm. Code.²

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

§ 140-8. Building Inspector.

- A. 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 of Commerce in the required categories specified under Ch. Comm 5, Wis. Adm. Code.³
- B. Duties. The Building Inspector shall administer and enforce all provisions of this chapter.
- C. 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, and electrical or heating 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 § 66.0119, Wis. Stats.
- D. Inspections. In order to permit inspections of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable.
- (1) Footing.
 - (2) Foundation.
 - (3) Rough carpentry, HVAC, electric and plumbing.
 - (4) Drain tile/basement floor.
 - (5) Under floor plumbing.
 - (6) Electric service.
 - (7) Insulation.
 - (8) Final carpentry, HVAC, electric and plumbing.
 - (9) Erosion control.
- E. Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- F. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspection, will be the responsibility of the contractor and/or property owner.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Original § 1-1-08(2), Assistants, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- G. Records. The Building Inspector shall perform all administrative tasks required by the Department of Commerce under all codes covered in § 140-6. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.⁴

§ 140-9. Submission of plans.

The owner or contractor shall, with respect to any proposed construction or demolition, submit two sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale 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 Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

§ 140-10. Issuance of permit.

- A. The Inspector shall issue the requested permit 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. Permits are valid for two years. Permit may be extended for 30, 90, or up to 180 days with the Building Inspector's approval and payment of fees.
- B. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
- C. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
- D. No building, plumbing, electrical or HVAC permit shall be issued to any person who is in violation of this chapter until such violation has been corrected.
- E. No building, plumbing, electrical or HVAC permit shall be issued to any person to whom an order has been issued by the Building Inspector.
- F. It shall be the responsibility of the installer, contractor or homeowner to determine if a permit is required and to obtain the same, prior to commencing work.

§ 140-11. Occupancy permit.

If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an

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

occupancy permit. If the building fails to comply with the codes in minor respects, which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

§ 140-12. Unsafe buildings.

Whenever the Building Inspector determines that any building, structure or foundation is so old or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Inspector shall recommend to the Town Board that an order be sent to the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in § 66.0413, Wis. Stats.

§ 140-13. Fees.

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the municipality either by resolution or ordinance. If work commences prior to permit issuance, the permit fee shall double.

§ 140-14. Violations and penalties.

- A. 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 chapter.
- B. Every person, firm or entity who or which violates this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$1,000 for each day of noncompliance, together with the costs of prosecution.
- C. 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.
- D. Compliance with the requirements of this chapter 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 chapter shall constitute public nuisances that may be enjoined in a civil action.

§ 140-15. Stop-work orders.

The Building Inspector may issue a stop-work order for a project to prevent further noncomplying work. No person, firm or entity may continue a construction project after a stop-work order has been issued. The person, firm or entity that receives such a stop-work order may contest the validity of the same by requesting a hearing before the municipality. The municipality shall hear the appeal within seven days. The municipality shall affirm the

stop-work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the state building codes.

§ 140-16. Variances.

The Town Board shall hear requests for variances from the Building Code to the extent the Town Board has authority to hear and grant variances. The Town Board shall approve, conditionally approve, or deny a requested variance. The municipality may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

§ 140-17. Appeals.

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The municipality will follow procedures explained in Ch. 68, Wis. Stats., to arrive at a final determination. Final determinations may be reviewed as explained in § Comm 20.21, Wis. Adm. Code.

§ 140-18. Disclaimer and nonliability for damages.

This chapter shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

Chapter 147

CABLE TELEVISION

- | | |
|--|--|
| § 147-1. Definitions. | § 147-12. Complaint procedure. |
| § 147-2. Grant of authority. | § 147-13. Liability and indemnification. |
| § 147-3. Conditions of franchise. | § 147-14. Construction and network technical standards and measurements. |
| § 147-4. Transfer or sale of cable television. | § 147-15. Additional requirements. |
| § 147-5. Franchise term, review and renewal. | § 147-16. Violations and penalties. |
| § 147-6. Responsibilities upon termination or expiration. | § 147-17. Government connections. |
| § 147-7. Completion of construction and extension of system. | § 147-18. Unauthorized connections or modifications. |
| § 147-8. Rates. | § 147-19. Town's right of intervention. |
| § 147-9. Termination of franchise. | § 147-20. Preferential or discriminatory practices prohibited. |
| § 147-10. Franchise fee. | § 147-21. Severability. |
| § 147-11. Broadband cable communications service. | § 147-22. Franchise grant. |

[HISTORY: Adopted by the Town Board of the Town of Goodman 5-1-1984 by Ord. No. 135. Amendments noted where applicable.]

§ 147-1. Definitions.

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

ADDITIONAL AND AUXILIARY SERVICE — Service other than service provided by the grantee to the subscriber on a monthly basis and for which the subscriber pays a set fee.

BASIC SERVICE — Subscriber services provided by the grantee, including the delivery of broadcast signals and programming originated over the cable system, covered by the regular monthly charge paid by all subscribers.

BROADBAND TELECOMMUNICATIONS NETWORK (BTN) (hereinafter referred to as "system") — Any network of cables and optical, electrical, or electronic equipment, including cable television systems, used for the purpose of transmission of electrical impulses of television, radio, and other intelligences, either analog or digital, for the sale or use by the inhabitants of the Town.

CABLE TELEVISION CHANNEL — A frequency band 6 MHz in width within which a standard television broadcast signal is delivered by cable to a subscriber terminal.

COMMENCE OPERATION — The operation will be considered to have commenced when sufficient distribution facilities have been installed so as to permit the offering of cable service to at least 25% of the dwelling units located within the designated service areas.

DISCRETE CABLE TELEVISION CHANNEL — A signaling path provided by a cable television system to transmit signals of any type to specified subscriber terminals with the cable television system.

FCC — The Federal Communications Commission and any legally appointed or elected successor.

FRANCHISE AREA (SERVICE AREAS) — Areas within the limits of the Town specifically proposed to be cabled by the grantee.

FRANCHISE PAYMENT — Includes all charges imposed for a franchise, whether the object is regulation, revenue, or one-time reimbursement of costs incurred by the Town in the award of this franchise.

GRANTEE — Any person, firm, company, corporation, or association to whom or to which a franchise is granted by the Town Board of the Town hereunder and the lawful successor or assigns of such person, firm, company, corporation, or association.

GROSS SUBSCRIBER REVENUE — All compensation derived from basic and pay cable television services provided to the subscriber, excluding any and all tax on said revenue, excluding installation charges, and excluding advertising revenue and revenue for leased channels.

HEAD END — The land, electronic processing equipment, antennas, tower, building, and other appurtenances normally associated with and located at the starting point of a broadband telecommunications network, excluding the studio.

REASONABLE NOTICE — The provision of notice of contemplated action delivered at least 72 hours prior to such action.

STREET — Includes all streets, roadways, highways, antennas, lanes, alleys, courts, places, squares, curbs, sidewalks, easements, rights-of-way, or other public ways in the Town which have been or may hereafter be dedicated and open to the public use, or such other public property as designated by law.

SUBSCRIBER — A purchaser of any service delivered by the grantee pursuant to this franchise, and "subscriber" shall also include any persons who are not required to pay any fee but receive service delivered by the grantee pursuant to this franchise.

SUBSTANTIALLY COMPLETED — Operation will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of full network service to at least 75% of the dwelling units reasonably in the franchise area.

TOWN — The Town of Goodman or the area within the limits of the Town of Goodman.

TOWN BOARD (BOARD) — The Town Board for the Town of Goodman and any legally appointed or elected successor or agency thereof.

§ 147-2. Grant of authority.

- A. The franchise granted hereunder shall give to the grantee the right and privilege to construct, erect, operate, modify, and maintain, in, upon, along, across, over, and under streets, (as defined in § 147-1 herein) which have been or may hereafter be dedicated and open to public use in the Town, towers, antennas, poles, cables, electronic equipment, and other network appurtenances necessary for the operation of a broadband telecommunication network in the Town, utilizing wherever possible existing facilities, with the right upon application to the designated Town official to set poles or other equipment on facilities constructed by the applicant, and said designated Town official will not unreasonably refuse permission for said construction; however, a nonproliferation of poles policy for aesthetic purposes shall be considered.
- B. The Town shall require all developers of future subdivisions, when making provisions for or restrictions of utilities in the subdivision plat, to include cable television services. It is intended by this subsection to include cable television services in the same class of public utilities.

§ 147-3. Conditions of franchise.

The grantee shall be subject to the following restrictions and conditions with regard to the operation of the system, which conditions and restrictions shall be in addition to any other sections of this chapter or other sections of the Municipal Code:

- A. Cables, wires, and other equipment in connection with such system shall only be installed and operated on or under the public rights-of-way upon the poles, or in underground conduits and equipment of the existing utilities within the Town and their successors or assigns where conduits exist and where space in installed conduits is available. Installation of any additional poles, conduits, or other equipment for the installation of cables, wires, and other overhead equipment and underground equipment in public rights-of-way in connection with said system shall be subject to the authorization of the Town Board or its designated representative. In reaching a decision as to such additional poles or equipment, the suggestions, if any, of the utility companies servicing or planning to serve such area may be considered. Underground installation shall always be preferred; provided, however, that the grantee may construct its plant aerial so long as there is one utility aerial.
- B. Such wires, cables, and other underground or overhead equipment shall be located as may be required of telephone companies or power lines by the Public Service Commission of Wisconsin. All equipment shall be grounded in the same manner as required by the State of Wisconsin Electrical Code for electrical services existing on the date of installation of any equipment.
- C. The grantee shall pay all cost incurred by the Town in the event of the necessity of restoration of the public rights-of-way as a result of the grantee's construction of its system or its operation. The grantee and the Town shall coordinate the restoration of the public rights-of-way if it becomes necessary for the grantee to open or otherwise disturb said public rights-of-way.

- D. The grantee shall, at its own expense, protect, support, temporarily or permanently disconnect, relocate in the same public right-of-way, or remove from any public right-of-way any property owned or used by the grantee if required by the Town for reasons of traffic conditions, public safety, street vacation, freeway and street construction, change of power lines and tracts or any other type of structures or improvements by governmental agencies when acting in a governmental capacity. The Town shall provide the grantee notice of its intention pursuant to this subsection and the grantee shall have an opportunity to comment.
- E. The grantee shall, upon the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its lines or disconnect or take them down to permit the moving of buildings. The expense of such removal, raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall be given not less than three working days' advance notice to arrange for such temporary wire changes.
- F. All installations by the grantee of cables and incidental equipment shall comply in all respects with all laws, ordinances, rules, and regulations of the Federal Communications Commission, the State of Wisconsin, or any agency or department thereof, and the Town or any agency or department thereof, now or hereafter in effect.
- G. The grantee shall provide and maintain its equipment in such condition and of such quality so that none of its service will adversely affect radio and television reception.
- H. Installation and maintenance of equipment shall be such that standard color signals shall be transmitted with reasonable and acceptable fidelity to all subscribers.
- I. The grantee shall not directly or indirectly require or solicit of any subscriber the patronage of any designated person or company engaged in the servicing, sale or repair of television receivers. The foregoing shall not apply to the repair or adjustment of equipment which is in part of the system of the grantee.
- J. The grantee shall submit to inspections by duly authorized personnel of the Town and shall make available to such inspectors or duly authorized personnel its facilities and equipment wherever situated. The Town reserves the right to enact reasonable regulations regarding the installation and maintenance of the facilities of the grantee.
- K. The grantee shall be required to trim trees upon and overhanging public rights-of-way of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that, at the option of the Town, such trimming may be done by it or under its supervision and direction.

§ 147-4. Transfer or sale of cable television.

This franchise may be transferred, assigned, or sold only with the written consent of the Town Board and approved only if the transferee, assignee, or purchaser agrees in writing to be subject to all the terms and conditions of this chapter. The franchisee shall notify the Town Board at least 30 days before a proposed transfer, assignment, or sale is to take effect. Such a notice must be in the form of a written request to the Town Clerk, stating the reasons why such an assignment is necessary and/or advisable and detailing the expected changes in the

operation of the system. Information as to the legal, character, financial, capability, technical, and other qualifications of the party or parties to whom the franchise is to be transferred, assigned, or sold or by whom the same is to be operated shall also be provided. This section shall apply to any transfer, assignment, or sale of greater than 25% of the ownership, operation, or management of the franchise. The Town Board shall not withhold approval or consent regarding the transfer, assignment, or sale without cause and unless it is shown that the operation or management of the system will be affected to the detriment of the public by approving said transfer, assignment, or sale. This provision shall not apply to either the mortgage or hypothecation of the system in respect to any mortgages or the remedies therein.

§ 147-5. Franchise term, review and renewal.

- A. The term of this franchise shall be for a period of 15 years, and this franchise shall be in full force and effect for said term subject to the provisions of this chapter.
- B. At the 10th year of the franchise, the Town and the grantee shall consider extension of this franchise for 15 additional years. The purpose of this provision is to allow for maximum flexibility in the financial planning on the part of the grantee and the Town in anticipating future services. It is further the purpose of this provision to encourage the Town to examine the grantee's performance and to plan for the future in providing cable television service as well as to reward the satisfactory performance of the grantee. The Town may at any time reward the satisfactory performance of the grantee by the extension of the franchise for five-year increments. This authority is granted so as to provide incentive to the grantee for satisfactory performance and maximum service.

§ 147-6. Responsibilities upon termination or expiration.

Should the grantee's franchise be terminated or expire and there is no judicial or administrative review of the termination or expiration taking place, the grantee shall begin removal within 90 days of termination or expiration of all property owned by it and placed on public rights-of-way unless permitted by the Town to abandon said property in place or transfer said property to a purchaser.

§ 147-7. Completion of construction and extension of system.

- A. The grantee shall initiate construction and installation of the broadband telecommunications network within six months of reaching satisfactory agreements with the utility companies involved providing for joint use of utility poles.
- B. The Town may, in its discretion, extend the time for the grantee, acting in good faith, to perform any act required hereunder. The time for performance shall be extended or excused, as the case may be, for any period during which the grantee demonstrates to the satisfaction of the Town Board that the grantee is being subjected to delay or interruption due to any of the following circumstances if reasonably beyond its control:
 - (1) Necessary utilities rearrangements or pole changeouts.
 - (2) Governmental or regulatory restrictions or economic conditions.

- (3) Labor strikes.
 - (4) Lockouts.
 - (5) War.
 - (6) National emergencies.
 - (7) Fire or extreme weather conditions.
 - (8) Other acts of God.
- C. The grantee shall complete construction within a reasonable time; provided, however, that the grantee shall not be required to construct said system into any area in which there are fewer than 30 subscribers per linear cable mile. All measurements are from the nearest point of the grantee's main cable distribution system. Line extensions or installations beyond 150 feet will be paid for by the subscriber at the grantee's cost. It is intended by this subsection to protect the grantee and the subscribers from subsidizing unreasonable extensions.
- D. The grantee shall be allowed to furnish service from the head end to other areas than the Town; provided, however, that the construction or provision of service to areas other than the Town does not prohibit, impede, or delay the substantial completion date of the system in the Town. If any such program service or initial customer rate provided to said other areas shall be in any manner superior to the program service or initial customer rates provided within the Town, then such program service or initial customer rates shall be provided to the Town.

§ 147-8. Rates.

The maximum initial rates which may be charged by the grantee to subscribers shall be those rates as set forth in the grantee's application. Said rates shall remain the maximum rates for the first 24 months of operation of the system. For the purpose of determining the twenty-four-month period under this section, the operation shall be deemed to have commenced at such time the first bill is received by a subscriber. In the event of a rate increase of the basic service, the grantee shall provide the subscribers a thirty-day notice of such increase. Said notice shall be forwarded to the Town Clerk of the Town with supporting data for said increase. There shall be no further regulation after the twenty-four-month period.

§ 147-9. Termination of franchise.

- A. The Town reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated therewith in the event of noncompliance by the grantee with any material provisions of this chapter.
- B. In the event that the Town shall decide to terminate for cause a franchise granted hereunder, it shall give the grantee reasonable days written notice of its intention to terminate and stipulate the cause. If during that period of reasonable days following notice the cause shall be cured to the satisfaction of the Town, the Town shall declare the

notice to be null and void. In any event, before a franchise may be terminated, the grantee must be provided with an opportunity to be heard before the Town Board. The Town Board reserves the right to set the hearing date at any time after the expiration of 14 days following notice.

§ 147-10. Franchise fee.

The grantee shall pay to the Town a franchise fee of 3% of the grantee's gross subscriber revenues from the operation of the cable communications system within the Town limits. Said annual sum shall be paid within 45 days of the end of the calendar year. Annually an officer of the corporation shall certify the amount of the grantee's revenue from all cable service in order to verify the fee paid pursuant thereto.

§ 147-11. Broadband cable communications service.

- A. The cable communications system permitted to be installed and operated hereunder shall be operated in conformance with the FCC's technical standards, 47 CFR 76.601 et seq.
- B. The grantee shall continue, throughout the term of the franchise, to maintain the technical standards and quality of service set forth in this section. Should the Town Board reasonably find, by resolution, that the grantee has failed to maintain these technical standards and quality of service, and should it by resolution specifically enumerate improvements to be made, the grantee shall make such improvements.

§ 147-12. Complaint procedure.

The grantee shall investigate all complaints within 24 hours of their receipt and shall in good faith attempt to resolve them within 48 hours after notice. The grantee shall maintain a record of each complaint and shall maintain said record for a period of three years. Said record shall be available to the Town upon reasonable notice for review. The grantee shall maintain a local telephone listing or toll-free listing.

§ 147-13. Liability and indemnification.

- A. The grantee shall maintain and by his acceptance of any franchise granted hereunder agrees that he will maintain throughout the term of the franchise a general comprehensive liability insurance policy against liability for loss or damage for personal injury, death, or property damage occasioned by the operations of the grantee under any franchise granted hereunder, in the amounts of \$500,000 for bodily injury or death to any one person, within the limit, and \$500,000 for property damage resulting from any one accident.
- B. Indemnification of Town in franchise operation. It shall be expressly understood and agreed by and between the Town and any grantee hereunder that the grantee shall save the Town and its agents and employees harmless from and against all claims, damages, losses and expenses, including attorney's fees, sustained by the Town on account of any suit, judgment, execution, claim, or demand whatsoever arising out of but not limited to

copyright infringements and all other damages arising out of the installation, operation, or maintenance of the broadband telecommunications network authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this chapter and any franchise granted hereunder. This provision shall not apply to acts of the Town, its agents, or employees.

- C. The insurance policies mentioned in Subsection A above shall be obtained from the same company and shall contain an endorsement stating that the policies are extended to cover the liability assumed by the grantee under the terms of this chapter and shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until 30 days after receipt by the Town Clerk by registered mail of a written notice of such intent to cancel or reduce the coverage."
- D. The grantee shall maintain and by his acceptance of any franchise granted hereunder agrees that he will maintain throughout the period of initial construction a faithful performance bond running to the Town in the penal sum or \$25,000 conditioned that the grantee shall well and truly observe, fulfill, and perform each term and condition of this chapter and any franchise granted hereunder and that in case of any breach of condition of the bond the amount thereof shall be forfeited to the Town as liquidated damages. Upon completion of the initial construction phase of the physical plant, the grantee will so inform the Town Board, advising it therein that the bond of faithful performance is being eliminated.

§ 147-14. Construction and network technical standards and measurements.

The technical standards, including measurements of the construction and systems to be operated in the Town, shall comply with the minimum standards established by the Federal Communications Commission.

§ 147-15. Additional requirements.

The grantee shall comply with all conditions imposed by Federal Communications Commission and by the State of Wisconsin. Failure to obtain any required licenses or to comply with all such conditions shall be grounds to revoke the franchise under the procedure of § 147-9 without liability assigned to the Town.

§ 147-16. Violations and penalties.

In addition to the procedures specified in § 147-19, the following shall be in effect:

- A. After notice and hearing, the Town may fine the grantee, if the grantee fails to provide the service specified in this chapter or any applicable government regulation. The grantee is not responsible for failure to provide adequate service which is caused by acts of God, strikes, governmental or military action, or other conditions beyond its control.
- B. Upon interruption of service, except for acts of God, strikes, governmental or military action, or with express prior permission of the Town, the following shall apply:

- (1) Over 48 and less than 72 hours, a rebate of 10% of one month's fees for all affected subscribers.
 - (2) Over 72 hours, a rebate of 29% of one month's fees for all affected subscribers.
 - (3) A full month's rebate for any month in which 1/2 or more of the service is interrupted.
- C. If the grantee violates any provision of this chapter, it shall forfeit, together with the costs of prosecution, a sum of not less than \$50 nor more than \$500 for each violation.

§ 147-17. Government connections.

The grantee shall provide a free one-time connection to any governmental building and/or facility which is passed by the cable. The franchising authority shall pay for all wiring within said building or facilities in excess of one hookup.

§ 147-18. Unauthorized connections or modifications.

- A. Unauthorized connections prohibited. It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency, without the expressed consent of the grantee, to make any connection, extension, or division, whether physically, acoustically, inductively, electronically, or otherwise, with or to any segment of the grantee's cable system. It shall further be illegal for any firm, person, group, company, corporation, or governmental body or agency, without the expressed consent of the grantee, to possess or receive any signals of transmissions, including specifically the transmissions of messages or programming over the cable system on a pay channel or pay-per-program basis.
- B. Unauthorized sale. It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency to sell or solicit for sale any facilities, devices, or appurtenances used for the purpose of any or all acts unlawful as prohibited by Subsection A above.
- C. Removal or destruction prohibited. It shall be unlawful for any firm, person, group, company, corporation, or governmental body or agency to willfully interfere or tamper with, remove, obstruct, or damage any part, segment, or content of a franchise broadband telecommunications network for any purpose whatsoever.
- D. Violation. Any firm, person, group, company, corporation, or governmental body or agency convicted of violation of this section shall, for each offense, forfeit a sum of not less than \$100 nor more than \$500, together with costs of such prosecution. Violation of this section shall be considered a separate offense for each twenty-four-hour period the violation continues following modification or discovery. Should the Town not wish to prosecute a violator, the grantee is authorized to do so.

§ 147-19. Town's right of intervention.

The Town shall have the right to intervene and the grantee specifically agrees by his acceptance of a franchise hereunder not to oppose such intervention by the Town in any suit or proceeding to which the grantee is a party.

§ 147-20. Preferential or discriminatory practices prohibited.

The grantee shall not, as to rates, charges, service, service facilities, rules, regulations, employment, or in any other respect, make or grant any undue preference or advantage to any party, nor subject any party to any unlawful prejudice or disadvantage.

§ 147-21. Severability.

If any subsection, sentence, clause, or phrase of this chapter is held unconstitutional or otherwise invalid, such infirmity shall not affect the validity of this chapter as a whole, and any portions in conflict are hereby repealed; provided, however, that in the event the Federal Communications Commission declares any subsection invalid, then such subsection or subsections shall be renegotiated by the Town and the grantee.

§ 147-22. Franchise grant.

Any cable television franchise granted to the Town Board shall be pursuant to this chapter.

Chapter 153

CEMETERIES

- | | |
|---|--|
| <p>§ 153-1. Cemetery Association.</p> <p>§ 153-2. Management and operation.</p> <p>§ 153-3. Holding property.</p> <p>§ 153-4. Platting.</p> <p>§ 153-5. Conveyances.</p> <p>§ 153-6. Use of proceeds.</p> | <p>§ 153-7. Improvements, care and regulations.</p> <p>§ 153-8. Memorial stone regulations.</p> <p>§ 153-9. Four-grave monument lots.</p> <p>§ 153-10. Rules and regulations.</p> <p>§ 153-11. Violations and penalties.</p> <p>§ 153-12. Costs.</p> |
|---|--|

[HISTORY: Adopted by the Town Board of the Town of Goodman 6-16-1958 by Ord. No. 105. Amendments noted where applicable.]

§ 153-1. Cemetery Association.

The name of the Cemetery Association shall be "Glenwood Cemetery."

§ 153-2. Management and operation.

The business, property management, operation and control of said Cemetery Association shall be vested in the members of the Town Board of Goodman as regularly elected in each Town election, or duly appointed and qualified to such Town Board, and who shall hold their offices for the term for which elected or duly appointed and qualified. The Chair of the Town Board shall act as Chair of the Cemetery Association. The Town Clerk shall act as Secretary and the Town Treasurer shall act as Treasurer of the Cemetery Association during their respective terms of office.¹

§ 153-3. Holding property.

The Cemetery Association shall be authorized to hold not exceeding 80 acres of land to be used exclusively for burial of the dead.

§ 153-4. Platting.

- A. The Town Board of Goodman shall survey and plat such portions of the lands as may from time to time be required for burial into lots, drives, and walks and record a map thereof in the office of the Register of Deeds. No such map or plat shall be recorded unless laid out and platted to the satisfaction of the County Board of Marinette County and the Town Board of the Town of Goodman, Marinette County, Wisconsin, and the

1. Editor's Note: Original Section 3, Tax for maintenance, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Town Board shall cause the same to be recorded within 30 days of the date of such approval, together with the evidence of the Town and County Boards' approval, which shall be a copy of the resolution adopted by such County Board and by such Town Board, certified by the County Clerk and the Town Clerk, respectively, and affixed to such map or plat. For failure to do so, the plat shall be void and of no effect.

- B. Cemetery lots shall be further divided into grave sites. The minimum size for a grave site shall be eight feet by five feet four inches. Only one burial will be permitted at each grave site. **[Added 4-17-2000]**

§ 153-5. Conveyances.

- A. After the map is so recorded, the Town Board may sell and convey platted lots, expressly restricting the use to burials, and upon such other terms, conditions, and restrictions as it may direct. Conveyances shall be signed by the Town Chair and the Town Clerk, and, before delivering, the Town Clerk shall enter in a book kept for that purpose the date and consideration and the name and residence of the grantee.
- B. The Town Board may sell and convey for other than burial purposes any portion of its cemetery in which there shall have been no lots sold or conveyed and no burials made. A majority of the Town Board shall file with the Circuit Court their verified petition describing the portion and setting forth the facts and reasons for conveyance. The Court shall by order fix a time for hearing upon not less than 30 days' notice by publication in a newspaper at least three weeks successively. If the Court finds that the proposed sale is for the best interests of the Association and that the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its finding and authorizing the conveyance. The order shall be effective when recorded by the Register of Deeds.²
- C. The Town Board may sell personal property at discretion.
- D. The Town Board may vacate or replat any portion of its cemetery upon the filing of a verified petition by a majority of such Board with the Circuit Court describing the portion and setting forth the facts and reasons therefor. The Court shall by order fix a time for hearing upon not less than 30 days' notice by publication in a newspaper at least three weeks successively. The owners of all lots affected by the proposed vacating or replatting shall be served with a written notice either personally or by registered mail at least 30 days before the time fixed for hearing. If the Court finds that the proposed vacating or replatting is for the best interests of the Association and that the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its findings and authorizing the vacating or replatting of the lands of the cemetery. The order shall be effective when recorded by the Register of Deeds.³

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

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

§ 153-6. Use of proceeds.

The proceeds of the sales shall be used only to apply on the purchase of the grounds, the care and improvement of the cemetery and the avenues leading thereto, and operating expenses.

§ 153-7. Improvements, care and regulations.

- A. The Town Board shall, as soon as practical, enclose the grounds with a suitable fence.
- B. The Town Board may make regulations for management and care of the cemetery. The Town Board may require any person owning or controlling a lot to do anything necessary to comply with the regulations by giving reasonable personal notice in writing if he is a resident of the county, otherwise by publication at least once a week for three successive weeks in a newspaper published in the county, and if he fails to comply within 20 days thereafter, the Town Board may cause it to be done and recover from him the expense.
- C. The Town Board shall also have authority from time to time to make such rules and regulations as it deems necessary.⁴

§ 153-8. Memorial stone regulations.

- A. Lot owners or memorial dealers must consult the Sexton to ascertain if there is space on the lot for the desired memorial before an order is placed.
- B. No memorials may be erected on any lot until said lot is fully paid for.
- C. Lot corner markers will be placed by the cemetery. No other corner posts or markers of any kind will be permitted.
- D. Steps, curbing or coping of any kind is prohibited on lots. Covers for underground vaults or mausoleums may not be exposed above ground.
- E. Dealers' or manufacturers' cards or advertisements shall not be placed anywhere in any manner whatsoever within the cemetery enclosures.
- F. Guy ropes must not be fastened to trees or other objects without first obtaining permission. Contractors and workmen in whatever capacity employed shall be required to clean up after operations and restore the grounds to its original condition.
- G. Materials. Materials used for memorials must be of granite or standard bronze or such other material as may be specifically authorized by the Cemetery Association. Materials for government-issued markers may duplicate existing markers on all veterans' plats. Government markers outside of veterans plats must be granite or standard bronze.
- H. Monuments.
 - (1) The term "monument" shall be construed to mean any stone the bottom base of which measures 36 inches or over in length and 12 inches or over in width and

4. Editor's Note: Original Section 9, Assessments, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).

that does not exceed four feet in overall height unless specifically approved by the Cemetery Association.

- (2) No monument will be permitted on lots of less than 256 square feet in area, nor shall it cover more than 7% of such area. No individual monument shall be erected in the following designated plats: American Legion, GAR and VFW. Only one monument will be allowed on any one lot.

I. Markers.

- (1) Individual markers shall not be over 20 inches in length or 12 inches in width.
- (2) Double markers shall not be over 30 inches in length or 12 inches in width.
- (3) Markers for all single grave lots shall be of uniform size, 16 inches in length and 10 inches in width.
- (4) All markers shall be of the flat type, finished with a level bottom of uniform thickness and not over six inches in depth. Root marker will not be allowed.
- (5) All markers shall be set with the top flush with the lawn. Existing markers on a lot may be duplicated for conformity.
- (6) Only one marker shall be allowed at any one grave. No markers will be permitted on graves of less than 42.62 square feet and having a minimum dimension of eight feet long by five feet four inches wide. The remains of only one person or three cremations will be allowed to be buried at any one grave. **[Amended 4-17-2000⁵]**

J. Foundations. Foundations for monuments shall be built by the cemetery and shall be of a size and depth deemed proper by the Sexton and shall be finished at least one inch below the surface of the ground where lowest. Flat-type markers shall be set by the cemetery. All rules and regulations and prices are subject to change at any time without notice.⁶

K. Co-ownership of lots. When a cemetery lot is owned by more than two persons who are not husband and wife, memorials, monuments or markers shall not be allowed to be placed at any grave site until such grave site is occupied by the buried remains of a deceased person without the written consent of all owners of record of said lot. **[Added 4-17-2000]**

§ 153-9. Four-grave monument lots.

A. One monument per lot is permitted, which shall be limited to the following overall dimensions:

	Base Length	Base Width	Overall Height
Minimum	2 feet 6 inches	0 feet 10 inches	1 foot 4 inches

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

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

	Base Length	Base Width	Overall Height
Maximum	4 feet 0 inches	1 foot 2 inches	3 feet 0 inches

- B. Grave markers shall be the flat type with above ground level exposure not to exceed two inches.
- C. All monuments shall be erected at the head end of the lot; all markers shall be erected at the head end of the grave.
- D. Flowers and portable flower receptacles will be permitted subject to the general planting regulations now in effect. Planting of trees and shrubs is not permitted on these lots. Size of flat markers is limited subject to provisions of general memorial regulations now in effect, finished with a level bottom or uniform thickness not to exceed six inches:
 - (1) Single marker: 20 inches by 12 inches.
 - (2) Double marker: 30 inches by 12 inches.

§ 153-10. Rules and regulations.

- A. No person shall plant shrubs, bushes or trees.
- B. No person shall landscape any lot or lots.
- C. No person shall mark, paint, deface or otherwise mutilate any property in the cemetery.
- D. No person shall have in his possession any firearm, except peace officers and military attendants at funerals.
- E. No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance in the cemetery.
- F. No person under the age of 10 years shall be allowed in the cemetery unless accompanied by his or her parent, guardian or caretaker.
- G. No dogs shall be permitted to roam about the cemetery except when secured by a leash.
- H. Flowers and potted plants may be planted in the cemetery in an area 12 inches by 16 inches, within 12 inches of the headstone or marker.

§ 153-11. Violations and penalties.

Any person guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a forfeiture of not more than \$10 together with costs of said action and, in default of the payment thereof, to be imprisoned in the county jail of Marinette County until such forfeiture and subsequent costs have been paid, but not to exceed 30 days.

§ 153-12. Costs. [Added 1-2-1963; amended 5-16-2001⁷]

The cost for burial in the Town of Goodman Glenwood Cemetery shall be set by Town Board action. The cost for purchase of a tract of land consisting of one grave site in Glenwood Cemetery in the Town of Goodman in Marinette County, Wisconsin, shall be set by Town Board action. This cost shall include perpetual care.

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

Chapter 159
COMPREHENSIVE PLAN

§ 159-1. Adoption of plan.

§ 159-2. Filing.

[HISTORY: Adopted by the Town Board of the Town of Goodman 8-24-2009 by Ord. No. 158. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 84.

§ 159-1. Adoption of plan.

The Comprehensive Plan recommended by the Town of Goodman Plan Commission to the Goodman Town Board, attached hereto as Exhibit A, is hereby adopted.¹

§ 159-2. Filing.

The Town Clerk is directed to file a copy of the attached Comprehensive Plan for the Town of Goodman with all the following entities:

- A. Every governmental body that is located in whole or in part within the boundaries of the Town of Goodman.
- B. The Clerk of every local governmental unit that is adjacent to the Town of Goodman.
- C. The Wisconsin Land Council.
- D. The Wisconsin Department of Administration.
- E. The Bay-Lake Regional Planning Commission.
- F. The public library that serves the area in which the Town of Goodman is located.

1. Editor's Note: Exhibit A is on file at the office of the Town Clerk.

Chapter 172
FAIR HOUSING

§ 172-1. Policy.

§ 172-2. Definitions.

§ 172-3. Discrimination prohibited.

§ 172-4. Equal Opportunities

Commission.

§ 172-5. Enforcement.

[HISTORY: Adopted by the Town Board of the Town of Goodman 3-2-1982 by Ord. No. 134. Amendments noted where applicable.]

§ 172-1. Policy.

It is the policy of the Town Board of Goodman to provide, within constitutional limitations, for fair housing throughout the Town.

§ 172-2. Definitions.

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

DISCRIMINATORY HOUSING PRACTICE — 1

- A. To refuse to sell or rent after making a bona fide offer, or to refuse to negotiate for the sale or rental of, or make unavailable or deny a dwelling to any person because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
- C. To make, print, or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.
- D. To represent to any person because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.
- E. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefor for

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

the purpose of purchasing, constructing, improving or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or terms or conditions of such loan or other financial assistance because of the sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry of such person or persons.

- F. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry.

DWELLING — Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction thereon of any such building or structure.

FAMILY — Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

PERSON — Includes a single individual.

TO RENT — Includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

§ 172-3. Discrimination prohibited.

It is unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice, except that this chapter shall not apply to any of the following, nor shall anything in this chapter prohibit a private club, not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members:

- A. Any single-family house sold or rented by an owner, provided that in case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four-month period; provided, further, that the sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented without the use of any real estate broker, agent, or salesman and without the publication, posting or mailing of any advertisement in violation of Subsection C of the definition of "discriminatory housing practice" in 172-2, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, or title companies to perfect or transfer title.
- B. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independent of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- C. A religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society which limits the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex, or national origin.

§ 172-4. Equal Opportunities Commission.

- A. The Town Chair, subject to Board confirmation, shall appoint an Equal Opportunities Commission consisting of five members. One member shall be a Town Board member whose term of office shall be one year. Four members shall be citizen members whose terms of office shall be for two years. Commission members shall be residents of the Town of Goodman and shall receive no compensation for their services.²
- B. The Commission shall have the power and duty to study the existence, character, cause and extent of the denial of equal opportunities because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age or ancestry in the Town of Goodman. It shall receive complaints alleging violation of this chapter arising from bona fide transactions and attempt to eliminate or remedy any violation by means of conciliation, persuasion, education or any other means. In cases where the Commission obtains compliance with this chapter or the Commission finds the complaint is without foundation, no public disclosure shall be made by the Commission of the person or persons named in the complaint. The Commission may adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.³
- C. The services of an investigator shall be available to aid in the promoting of the purpose of this chapter.

§ 172-5. Enforcement. ⁴

Whenever the Commission is unable to eliminate or correct an alleged discriminatory housing practice by informal means, it may request the Town Attorney to commence and prosecute a civil action to enforce the provisions of this chapter. The Town Attorney may bring civil action in Circuit Court by filing with the Court a complaint setting forth the facts and requesting such preventative relief, including an application for a temporary or permanent injunction, restraining order or such other order, as he deems necessary to ensure the full enjoyment of the rights granted by this chapter.

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

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

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

Chapter 241

NUISANCES

- | | |
|--|---|
| § 241-1. Title and purpose. | § 241-6. Abandoned vehicles, machinery, equipment and appliances on public lands. |
| § 241-2. Authority to adopt. | § 241-7. Abatement of public nuisances. |
| § 241-3. Authority to regulate certain activities. | § 241-8. Recovery of abatement costs; disposal of abandoned property. |
| § 241-4. Public health and safety. | § 241-9. Violations and penalties. |
| § 241-5. Public peace and order. | |

[HISTORY: Adopted by the Town Board of the Town of Goodman 7-23-2007 by Ord. No. 153. Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 124.
Firearms and weapons — See Ch. 179.
Peace and good order — See Ch. 255.

Sewers and sewage disposal — See Ch. 282.
Solid waste — See Ch. 291.
Water — See Ch. 317.

§ 241-1. Title and purpose.

The title of this chapter is the "Town of Goodman Nuisance Ordinance." The purpose of this chapter is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Town.

§ 241-2. Authority to adopt.

The Town Board has the specific authority under §§ 29.038, 66.0407, 66.0413, 125.14, 169.01 and 175.25 and Ch. 823, Wis. Stats., and general authority under its village powers under § 60.22, Wis. Stats., to adopt this chapter.

§ 241-3. Authority to regulate certain activities.

The Town Board, by this chapter, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the storage, treatment, disposal and discharge of certain junk and other items, uses, and activities in the Town.

§ 241-4. Public health and safety.

No person may create, contrive, maintain, cause, continue, install, construct or permit in the Town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury or that may tend to depreciate property values in the adjacent or near area, create a

blighted condition, present a substantial threat to public health or safety, or create a public nuisance or public health or safety hazard. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the Town Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place or physical condition exists, is located, or occurred, or to any person responsible for the creation, are specifically declared to be a public nuisance:

- A. Lawns. Lawns must be mowed and maintained not to exceed eight inches.
- B. Noxious weeds. Illegal offensive or unsafe vegetation over 12 inches high located on private or public land and noxious weeds that are not cut timely or removed within 15 days after posting or publication of a notice to destroy noxious weeds under § 66.0407, Wis. Stats., or within seven days after receipt of written notice to remove from the Town Board.
- C. Parking over sidewalks and terraces and in yards. Within the plat of the Town of Goodman, on residential lots that are serviced by an alley, it shall be illegal to drive over a sidewalk, unless on an established driveway, for the purpose of access to a garage or dwelling. Parking of vehicles on lawns on said lots will be permitted in the alley area between the house and alley.
- D. Household refuse and garbage. Household refuse must be stored in proper garbage/refuse containers if kept outside. Otherwise all household refuse shall be stored inside out of sight so as not to constitute a public health hazard. Other garbage, trash, debris, old lumber, furniture, appliances or waste shall not accumulate in unsheltered areas for more than 14 days.
- E. Junked vehicles and junk parts. Unlicensed and junk vehicles shall not accumulate in unsheltered areas on the premises for more than 14 days.
- F. Improper encroachment. Unauthorized or improper encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops and other materials, on any Town roadway or on other public lands without written permission from the Town Board and the improper, unauthorized encroachment or discharge is not timely removed or discontinued within 14 days of the receipt of written notice to remove from the Town Board.

§ 241-5. Public peace and order.

No person may create, contrive, maintain, cause, continue, install, construct or permit in the Town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed after written notice to remove from the Town Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place or physical condition exists, is located, or occurred, or to any person responsible for the creation, are specifically declared to be a public nuisance:

- A. Loud noise area. Any place in the Town where unreasonably loud, discordant and unnecessary sound conditions, including sounds from vehicles, equipment, machinery,

guns, fireworks, or enclosed domestic or other animals or from any human-created or -aided sounds, including alleged music, are located on private or public land without written approval of the Town Board and are not timely corrected within 10 minutes of verbal warning of the Town Board, Town Chair or other agents of the Town Board.

- B. Disorderly conduct area. Any place in Town where unpermitted, abusive, indecent, profane or boisterous sounds, unpermitted fighting, brawling or rioting or other unpermitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions are not timely corrected within 10 minutes of verbal warning of the Town Board, Town Chair or other agents of the Town Board.

§ 241-6. Abandoned vehicles, machinery, equipment and appliances on public lands.

No person shall leave unattended or stored any vehicle, regardless of the vehicle's physical condition, registration, or license held, or any appliance, equipment or machinery, or parts thereof, on any public street, public road, public highway or other public property in the Town, including the road right-of-way, for such time and under such circumstances so as to cause the vehicle, appliance, equipment or machinery to reasonably appear to have been abandoned. When any vehicle, machinery, appliance, or equipment has been left unattended, parked or stored on any public street, road, highway or other public property, including a road right-of-way, within the Town for a period of more than 72 hours, the vehicle, structure, machinery, appliance or equipment is presumed by the Town to be abandoned and a public nuisance and may be removed in accordance with § 342.40, Wis. Stats., and the owner of the vehicle is subject to the imposition of forfeitures under § 241-9 of this chapter. This section does not apply to a railroad train stopped at a railway crossing as defined in § 340.01(47), Wis. Stats.

§ 241-7. Abatement of public nuisances.

- A. Inspection of premises. Whenever a complaint is made to the Town Board, Town Clerk, Town Chair, or any appropriate Town committee or agent that a public nuisance under this chapter or a violation of a permit issued under this chapter exists within the Town, the Town Chair, Town committee or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of their findings to the Town Board, which reports shall thereafter be filed with the Town Clerk and kept of record in the office of the Town Clerk. Whenever practicable, the Town Chair, Town committee or other agents of the Town Board shall cause photographs to be made of the premises for inclusion in the written report to the Town Board.
- B. Responsibility of owner or occupant of premises. Any owner or occupant of land in the Town is responsible for compliance with this chapter on the owner's or occupant's land regardless of ownership of and responsibility for uses, activities or things located on the land that are subject to this chapter.
- C. Summary abatement.

- (1) Notice to owner. If the Town Chair, Town committee or other agents of the Town Board determine, by written notice to the Town Board, that a public nuisance exists under this chapter within the Town on private or public land and that there is great, immediate or substantial danger or threat to the public health or safety, the Town Board, Town Chair, Town committee or other agents of the Town Board shall serve a written order notice upon the person who is causing, permitting or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is caused, permitted or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises and the person who is causing, permitting or maintaining the public nuisance and one copy of the notice shall be served by mailing by United States mail of a first-class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated the Town may cause, due to emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant or person causing, permitting or maintaining the public nuisance.
 - (2) Abatement by Town. If the public nuisance is not abated within the time provided in the notice under Subsection C(1) or if the owner, occupant or person causing the public nuisance, if known, cannot be found, the Chair, Town committee or other agents of the Town Board, with approval of the Town Board, shall cause immediate abatement or removal of the public nuisance.
- D. Abatement by court action. If the Town Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate or substantial danger to the public health or safety, the Town Board shall file a written report or its resolution of its findings with the Town Clerk, who shall, after approval and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:
- (1) Issue and serve a written order to cease and desist the public nuisance upon the person causing, permitting or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
 - (2) Issue and serve a citation for violation of this chapter upon the person causing, permitting or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located.
 - (3) Cause the Town Attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this chapter or the conditions of any permit as issued or have drafted by the Town Attorney to be filed and served a formal complaint for the abatement of the public nuisance under Ch. 823, Wis. Stats.
- E. Other methods not excluded. Nothing in this chapter may be construed as prohibiting the injunction and abatement of public nuisances against any person by the Town or its officials in accordance with the laws of the State of Wisconsin or this chapter, including

against a permit holder that holds a current and valid permit issued by the Town under this chapter.

§ 241-8. Recovery of abatement costs; disposal of abandoned property.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this chapter, the cost of abatement of any public nuisance by the Town may be collected under this chapter or § 823.06, Wis. Stats, as a debt or expense from the owner or occupant of the real property for causing, permitting or maintaining a public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under § 66.0627, Wis. Stats., unless paid earlier. If any vehicle, structure, equipment, implement or appliance is abandoned or remains unclaimed in violation of this chapter, the Town Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under § 66.0139, Wis. Stats., by public auction or other means as determined in writing by the Town Board.

§ 241-9. Violations and penalties.

- A. First offense. Any person who violates this chapter shall, upon conviction, forfeit not less than \$20 nor more than \$500 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
- B. Second and subsequent offenses. Any person guilty of violating this chapter or any person who has previously been convicted of a violation of this chapter shall, upon conviction, forfeit not less than \$100 nor more than \$1,000 for each offense together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six months.

Chapter 255

PEACE AND GOOD ORDER

ARTICLE I Public Nudity

§ 255-1. Authority.

§ 255-2. Restrictions.

§ 255-3. Definitions.

§ 255-4. Contact prohibited.

§ 255-5. Interpretation.

§ 255-6. Violations and penalties.

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

GENERAL REFERENCES

Animals — See Ch. 124.
Firearms and weapons — See Ch. 179.

Nuisances — See Ch. 241.
Vehicles and traffic — See Ch. 310.

ARTICLE I Public Nudity

[Adopted 11-16-1994 by Ord. No. 142]

§ 255-1. Authority.

This article is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including § 125.10.

§ 255-2. Restrictions.

There shall be no nudity in public.

§ 255-3. Definitions.

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

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

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

§ 255-4. Contact prohibited.

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

§ 255-5. Interpretation.

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

§ 255-6. Violations and penalties.

Each violation of this article shall result in a forfeiture of not less than \$50 nor more than \$100. When using a citation form of enforcement, the deposit allowed shall be \$50 for a first offense or \$100 for a second or greater offense within five years. As set forth in § 125.12, Wis. Stats., or any ordinance for the Town of Goodman, violation of the terms of this article constitutes sufficient grounds for suspension, revocation or nonrenewal of any and all licenses issued for the premises on which such activity constituting a violation has occurred. This article may be enforced by forfeiture or by injunctive relief in any court of competent jurisdiction, or both.

Chapter 282

SEWERS AND SEWAGE DISPOSAL

ARTICLE I Holding Tank Agreements

§ 282-1. Authority of Town Board.

§ 282-2. Applicant for holding tank permit.

§ 282-3. Right of entry.

§ 282-4. Future assessments.

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

ARTICLE I Holding Tank Agreements [Adopted 11-1-1978 by Ord. No. 131]

§ 282-1. Authority of Town Board.

The Town Board of the Town of Goodman is hereby granted the authority to enter into agreements with owners of lands within the corporate limits of the Town of Goodman for the installation and maintenance of holding tank sewage systems located within the Town of Goodman.

§ 282-2. Applicant for holding tank permit.

Such holding tank agreement may be entered into by the Town at the request of an applicant for the issuance of a holding tank permit and shall provide that the applicant shall comply with all Wisconsin Statutes, regulations of the Wisconsin Administrative Code, all Marinette County ordinances and all Town of Goodman Town ordinances relating to the installation and proper maintenance of a holding tank.

§ 282-3. Right of entry.

The agreement shall also provide that the Town of Goodman and Marinette County, its zoning officials or other officers shall have the right and privilege to enter upon said private lands at any time for the inspection of holding tank installations and further provide that if, for any reason, the applicant fails to pump out said holding tanks as necessary or when requested by the foregoing officials, the applicant agrees to allow the Town to have the holding tank pumped and the contents thereof hauled with the costs thereof charged back to the applicant as a lien and special charge against the real estate.

§ 282-4. Future assessments.

All such agreements shall provide that the applicant waives his right to assert the cost of any septic system including the holding tank for any future sanitary assessments which may be made against him.

Chapter 291
SOLID WASTE

- | | |
|---|--|
| § 291-1. General provisions. | § 291-10. Disposal of recyclable materials prohibited. |
| § 291-2. Definitions. | § 291-11. Haulers. |
| § 291-3. Pickup schedule. | § 291-12. Processing facilities. |
| § 291-4. Points of storage and collection. | § 291-13. Unlawful acts. |
| § 291-5. Separation and care of recyclable materials. | § 291-14. Establishment of fees. |
| § 291-6. Management of lead acid batteries, major appliances, waste oil and yard waste. | § 291-15. Ownership of recyclables and refuse. |
| § 291-7. Preparation and collection of solid waste. | § 291-16. Right to reject materials. |
| § 291-8. Multiple-family dwellings. | § 291-17. Reporting requirements. |
| § 291-9. Nonresidential facilities and properties. | § 291-18. Inspections; violations and penalties. |

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

GENERAL REFERENCES

Nuisances — See Ch. 241.

§ 291-1. General provisions.

- A. Title. This chapter shall be titled "Solid Waste Disposal and Mandatory Recycling."
- B. Purpose. To the extent permitted by law, this chapter is intended to serve as a municipal waste flow control ordinance. It is intended by this chapter to establish regulations that reduce the amount of solid waste and other disposables in landfills and thus protect the public health, public welfare and the environment. In so doing, this chapter is to promote recycling, composting, and resource recovery through the administration of an effective recycling program in the Town and to allow the Town to comply with Ch. 287, Wis. Stats., and Ch. NR 544, Wis. Adm. Code, or their successor provisions.
- C. Authority. This chapter is adopted as authorized under § 287.09, Wis. Stats., Chs. 146, 252, 289, 291 and 823, Wis. Stats., and by adoption of village powers under § 60.10, Wis. Stats.
- D. Abrogation and greater restrictions. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits

previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

- E. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by state statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent text amendment to this chapter.
- F. Applicability. The requirements of this chapter apply to all persons within the Town of Goodman, Marinette County, Wisconsin.
- G. Administration. The provisions of this chapter shall be administered by the Town Board or its designee.

§ 291-2. Definitions.

Whenever any of the following terms are used in this chapter, such terms shall be deemed and construed to have the meaning ascribed to them as follows:

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

CONTAINER — A receptacle designed for the purpose of collection of recyclable materials. For the Town, containers will be transparent thirteen- to thirty-gallon bags. Required containers for other portions of the solid waste stream shall be as specifically designated in other portions of this chapter.

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

CONTRACTOR — The person, corporation or partnership performing recyclable materials collection and processing under this chapter as well as solid waste collection and disposal.

GARBAGE — Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.

HAZARDOUS SUBSTANCE — Any substance or combination of substances which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment. This term includes, but is not limited to, pesticides and substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives, as determined by the Department of Natural Resources (DNR).

HDPE — High-density polyethylene labeled by SPI Code No. 2.

LDPE — Low-density polyethylene labeled by SPI Code No. 4.

MAGAZINES — Magazines and other materials printed on similar paper.

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

MEDICAL WASTE — Infectious waste and those containers, packages and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

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

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

NEWSPAPER — Newspaper and other materials printed on newsprint.

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

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

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

PETE — Polyethylene terephthalate labeled by SPI Code No. 1.

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

PP — Polypropylene labeled by SPI Code No. 5.

PS — Polystyrene labeled by SPI Code No. 6.

PVC — Polyvinyl chloride labeled by SPI Code No. 3.

RECYCLABLE MATERIALS — Includes aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other resins or multiple resins, steel containers, waste tires and bimetal containers.

REFUSE — All matters produced from industrial or community life, subject to decomposition, not defined as sewage or wastewater. This term does not include appliances, stones, concrete, dirt, plaster, tires, batteries, antifreeze, automotive engine waste oil, yard waste and building and demolition materials.

RESIDENTIAL UNIT — A space occupied or designed for human occupancy by a person or group of persons at any time during the year within the limits of the Town which constitutes a separate household occupied by a person or group of persons. Each residential space on a farm or other property containing more than one such space shall be considered a residential unit. Residential spaces in properties containing more than four residential units are not included. A residential unit shall be considered occupied when domestic light and power services are supplied thereto.

SOLID WASTE — Has the meaning specified in § 289.01(33), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 289.01(35), Wis. Stats.

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

STEEL CONTAINER — A container for beverage or food that is made primarily of a combination of steel and tin.

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

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

§ 291-3. Pickup schedule.

A. Residential areas.

- (1) Solid waste, with the exception of recyclable materials, shall be collected once a week from residential units and churches according to a schedule set by the Town Board.
- (2) Recyclable materials shall be collected from residential units according to a schedule set by the Town Board.

B. Multiple-family dwellings and industrial areas. Solid waste shall be collected only from residential units and churches. No collection is provided by the Town from commercial and industrial establishments or multiple-family dwellings. These establishments must arrange for collection and disposal of all of their solid waste and recyclables in a manner required by this chapter.

§ 291-4. Points of storage and collection.

A. Placement for pickup.

- (1) If placed in storage containers of galvanized iron or other nonrusting material or nonbreakable plastic or rubber containers which have tight-fitting covers secured to prevent intrusion by animals, solid waste may be placed at roadside for collection

no earlier than 4:00 p.m. of the day preceding a regularly scheduled pickup or a previously announced pickup date.

- (2) Solid waste not placed in containers as designated in Subsection A(1) may be placed at roadside no earlier than 5:00 a.m. of the day of a regularly scheduled pickup or a previously announced pickup date.
- (3) Containers must be set out by 7:00 a.m. on the collection date.
- (4) Containers must be returned to their storage area within 12 hours of pickup.
- (5) "Roadside" refers to that portion of the right-of-way adjacent to paved or traveled public roadways. Containers shall be placed as close to the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, containers shall be placed as close as practicable to an access point for the collection vehicle.
- (6) Private roads. Only those materials that are left adjacent to the right-of-way of the intersecting public roadway near the point of its intersection with the private roadway will be picked up.

§ 291-5. Separation and care of recyclable materials.

- A. Separation. Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:
 - (1) Aluminum containers.
 - (2) Bimetal containers.
 - (3) Corrugated paper or other container board.
 - (4) Foam polystyrene packaging.
 - (5) Glass containers.
 - (6) Magazines or other materials printed on similar paper.
 - (7) Newspapers or other materials printed on newsprint.
 - (8) Office paper.
 - (9) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other resins or multiple resins.
 - (10) Steel containers.
- B. The Town Board reserves the right to designate by resolution additional solid waste items as recyclable material to be separated and/or collected by the Town or its contractor. The Town Board also reserves the right, after a variance has been obtained from DNR under § 287.11(2m), Wis. Stats., or its successor provision by the Town or

the county, to so designate that certain solid waste items be deleted from those included as recyclable materials. The Town Board shall provide written notice to known occupants and contractors affected by these changes. The Town Board shall direct how added or deleted items shall be handled.

- C. Exemptions. The separation requirements of Subsection A do not apply to the following:
- (1) Occupants of single-family and two- to four-unit residences, multiple-family residences and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the State DNR that recovers the materials specified in Subsection A from solid waste in as pure a form as technically feasible.
 - (2) Solid waste from these occupants which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - (3) A recyclable material of those occupants specified in Subsection A for which a variance or exemption has been granted by the DNR under § 287.07(7)(d) or 287.11(2m), Wis. Stats., or § NR 544.14, Wis. Adm. Code.
- D. Care of separated recyclable materials. To the greatest extent practicable, the recyclable materials separated in accordance with Subsection A hereof shall be clean and kept free of contaminants, such as food or product residue, oil or grease, or other nonrecyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclables shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

§ 291-6. Management of lead acid batteries, major appliances, waste oil and yard waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties, except as otherwise directed by order of the Town Board, shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- A. Batteries. All producers of lead acid batteries may take the batteries to a retail establishment that sells such batteries, designated Marinette County solid waste battery collection site or any other lawfully designated collection site. The producer is responsible for any charges imposed by the sites to which the batteries are delivered.
- B. Major appliances. Major appliances may be disposed of by contacting the Town's contracted hauler or by delivery as designated during the Town's spring and fall cleanups.
- C. Waste oil. Producers may deliver waste oil to an oil retailer who has facilities for its recovery or deliver it to the designated county solid waste collection site. Producers are responsible for any charges imposed by the receiving facility.
- D. Yard waste. Subject to other applicable restrictions, yard waste shall not be picked up. Producers may compost, burn, or bury yard waste on their own properties. It may also be delivered to the county solid waste collection site.

§ 291-7. Preparation and collection of solid waste.**A. Solid waste other than recyclables.**

- (1) All garbage and other refuse shall be stored in containers of galvanized iron or other nonrusting material, or nonbreakable plastic or rubber containers which shall have tight-fitting covers and lifting handles, and their capacity shall be not more than 32 gallons. Subject to the requirements of § 291-4A(1) and (2) of this chapter, plastic bags shall be considered an adequate container for the placing of garbage for collection at the curb provided that such bags are designed for garbage disposal, that such bags are intended for such use and that such bags are designed to be used as inserts in the containers described in this subsection, and such bags must be properly secured. Paper sacks, boxes or bags shall be considered an adequate container and shall be picked up. The total weight of the container and the material shall not exceed 50 pounds. Bulky items such as floor covering shall be tied in bundles not to exceed four feet in length nor 50 pounds in weight.
- (2) The owners of the containers shall keep them clean and in a sanitary condition. Maintenance and repair of all containers shall be the responsibility of the owner.
- (3) Ashes shall be placed in plastic bags of not less than two mil thickness. No more than 2.5 pounds of ashes shall be placed in each bag.
- (4) Animal feces shall be properly disposed of by wrapping in paper and then placing it in a suitable plastic disposable container.
- (5) Except as otherwise specifically provided, stones, concrete, dirt, tires, batteries, antifreeze, medical waste, hazardous substances, and automotive engine waste are not allowed in the solid waste stream and will not be picked up except as otherwise provided in this chapter. Any container with such prohibited materials will not be picked up.
- (6) Materials such as couches, bulky items, other items not otherwise provided for in this chapter, appliances and other items containing metal, which include but are not limited to engines, car parts, swing sets, piping, springs, lawn mowers, and bicycles, require special arrangements for disposal and must be kept separate from other solid waste.
- (7) If solid waste materials are not prepared according to the provisions of this chapter, or are not placed in suitable containers or location, or if a container is damaged, employees of the Town's contractor shall tag these containers, and pickup shall not be made until the condition is remedied in compliance with this chapter.

- B. Recyclables.** Except as otherwise directed by order of the Town Board, occupants of single-family and two- to four-unit residences shall do the following for the proper preparation and recyclable material collection of the separated materials specified in § 291-5A:

- (1) Aluminum containers shall be rinsed clean and commingled in transparent, thirteen- to thirty-gallon bags with other recyclable items and placed at roadside for collection.
- (2) Bimetal containers shall be rinsed clean and commingled in transparent thirteen- to thirty-gallon bags with other recyclable items and placed at roadside for collection.
- (3) Corrugated paper and other container board shall be flattened and tied in bundles not to exceed four feet by four feet in diameter or 50 pounds in weight and placed at roadside for collection. These items must be free of debris.
- (4) Foam polystyrene packaging shall be prepared as directed by the county.
- (5) Glass containers shall be clean and placed in thirteen- to thirty-gallon transparent bags commingled with other recyclable items and placed at roadside for collection. Caps and lids must be removed.
- (6) Magazines or other materials printed on similar paper shall be tied in bundles not to exceed 50 pounds or placed in brown paper bags.
- (7) Newspaper or other materials printed on newsprint shall be tied in bundles not to exceed 50 pounds or placed in brown paper bags.
- (8) Office paper shall be kept separate from residential paper in such manner as designated by the county.
- (9) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other plastic containers made of mixed or other plastic resin types shall be rinsed clean and commingled with other recyclables in transparent thirteen- to thirty-gallon bags and placed at roadside for collection.
- (10) Tin/steel containers shall be rinsed clean and commingled in transparent thirteen- to thirty-gallon bags with other recyclable items and placed at roadside for collection.
- (11) Waste tires may be taken to the designated county solid waste collection site or special arrangements can be made for their pickup or delivery to the Town's contracted hauler or other state-licensed hauler. The producer is responsible for any additional charges in regard to tires.

§ 291-8. Multiple-family dwellings.

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 291-5A:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.

- (3) Provide for the recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in § 291-5A from solid waste in as pure a form as is technically feasible.

§ 291-9. Nonresidential facilities and properties.

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following for recycling the materials specified in § 291-5A:
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify in writing, at least semiannually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the recyclable material collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the DNR that recovers for recycling the materials specified in § 291-5A from solid waste in as pure a form as is technically feasible.

§ 291-10. Disposal of recyclable materials prohibited.

No person may dispose of recyclable materials in a solid waste disposal facility or burn in a solid waste treatment facility any of the recyclable materials specified in § 291-5A which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

§ 291-11. Haulers.

- A. Licenses. No person or corporation shall engage in the business of collecting solid waste or recyclables within the Town for storage, treatment, processing, marketing or disposal without first being licensed by the DNR under § NR 502.06, Wis. Adm. Code, and by the Town.
- B. Restrictions. Haulers may not dispose in a landfill or dispose in a solid waste facility any recyclable materials generated in the Town that have been separated for recycling. Haulers shall not compact glass with paper during collection and transport of recyclables to a processing facility or market and shall maintain materials in marketable condition.

§ 291-12. Processing facilities.

Any contractor operating in the Town shall not transport for processing any recyclables to a processing facility unless that facility has been, by January 1, 1995, self-certified with the Wisconsin Department of Natural Resources under § NR 544.16, Wis. Adm. Code.

§ 291-13. Unlawful acts.

- A. Antiscavaging or unlawful removal of solid waste. It shall be unlawful for any person, unless under contract with or licensed by the Town, to collect or remove any material that has been deposited or placed at the curb or in a container adjacent to a home or nonresidential building for the purposes of collection for disposal or recycling.
- B. No dumping. It shall be unlawful for any person to dispose of or dump solid waste in any street, alley, or public place within the Town or in any receptacles on private property without the owner's consent, unless it is placed in bags or containers in the manner and at the time specified by this chapter. No person shall place for collection any solid waste at the road right-of-way adjoining land not owned or occupied by such person.
- C. Burning and burying. It shall be unlawful to burn or bury solid waste or recyclables other than yard waste by residential and nonresidential sectors and at construction sites. Open burning shall be permitted only of clean wood, yard waste and nontreated paper products.
- D. Nondisposable materials. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic waste, chemicals, explosives, flammable liquids, liquid paint, trees and stumps, construction debris, carcasses, and medical wastes, except that personal needles contained in rigid containers to eliminate injury to collection personnel can be placed for disposal with other landfill refuse.
- E. Garbage from outside of Town. It shall be unlawful to bring solid waste for disposal and recycling from outside the Town boundaries into the Town unless authorized by agreement with the Town.

§ 291-14. Establishment of fees.

The Town shall determine the cost for regular and special solid waste and recycling collection and user fees to cover those costs. Fees shall be assessed as a line item on taxes under § 66.0627, Wis. Stats., on a yearly basis for up to no more than two cubic yards from a single producer on a collection day from residential units and churches.

§ 291-15. Ownership of recyclables and refuse.

Title to all materials, including recyclables, shall pass to the Town's contracted hauler when placed in the contractor's collection vehicle, removed by the contractor from a container, or removed by the contractor from a residential unit, whichever occurs last.

§ 291-16. Right to reject materials.

The hauler has the right to reject or leave at the roadside any recyclable material that is not prepared according to the specifications in this chapter or in educational material provided by the contractor or Town to the producers. Materials may also be left if not separated from solid waste, placed in the proper container, or not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler shall notify the producer of the materials as to the reasons for rejecting the items either verbally or in writing. The hauler shall also keep a list of such occurrences and provide it to the Town Clerk for a designated time period as determined by the Town Board.

§ 291-17. Reporting requirements.

The recycling haulers and processors operating in or for the Town are required to maintain records and report in writing to the Town Clerk at least twice each year.

A. Reports shall include:

- (1) The amount of solid waste and recyclables collected and transported from the Town.
- (2) The amount of recyclables processed and/or marketed by item type from the Town.
- (3) The final disposal location of solid waste and recyclable material.

B. Failure to report shall be cause for the Town to revoke any license or permit or to sever any contract with the hauler or processor.**§ 291-18. Inspections; violations and penalties.**

- A. Inspection.** For the purpose of ascertaining compliance with the provisions of Ch. NR 544, Wis. Adm. Code, or its successor chapter and compliance with this chapter, any authorized officer, employee or representative of the Town may, under § 66.0119, Wis. Stats., or its successor sections, and under Ch. NR 544, Wis. Adm. Code, or its successor

provisions, inspect recyclable materials in the Town separated for recycling; inspect post-consumer waste in the Town intended for disposal; inspect any recyclable material collection locations and any other collection facilities and collection vehicles in the Town, including any collection areas for single-family and two- to four-unit residential dwelling units, multiple-family dwelling units and nonresidential facilities and properties that are controlled by any occupants, any contractor of the Town, any permitted collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste treatment facilities; and, in addition, inspect any records relating to recyclable material activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

B. Penalties.

- (1) Any person who violates a provision of this chapter may be issued a citation by the Town under this chapter to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- (2) Penalties for violating this chapter may be assessed as follows:
 - (a) Any person who violates § 291-10 may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.
 - (b) Any person who violates a provision of this chapter, except § 291-10, may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Chapter 310

VEHICLES AND TRAFFIC

ARTICLE I Winter Parking

- § 310-1. Parking restricted.
- § 310-2. Violations and penalties.

ARTICLE II Restricted Parking Areas

- § 310-3. No parking areas.
- § 310-4. Signs.
- § 310-5. Violations and penalties.

ARTICLE III Stop Intersections

- § 310-6. Designation.
- § 310-7. Signs and signals.
- § 310-8. Manner of stopping.
- § 310-9. Violations and penalties.

ARTICLE IV Speed Limits

- § 310-10. Limits established.
- § 310-11. Violations and penalties.

ARTICLE V Traffic Regulations

- § 310-12. Provisions of state law adopted by reference.

- § 310-13. Accident reports.
- § 310-14. Violations and penalties.
- § 310-15. Enforcement.
- § 310-16. Official traffic signs and signals.

ARTICLE VI Snowmobiles

- § 310-17. State snowmobile laws adopted.
- § 310-18. Snowmobile routes designated.

ARTICLE VII Compression Brakes

- § 310-19. Restriction.
- § 310-20. Violations and penalties.
- § 310-21. Changes to forfeitures.

ARTICLE VIII All-Terrain Vehicles

- § 310-22. Intent.
- § 310-23. Statutory authority.
- § 310-24. Routes.
- § 310-25. Conditions.
- § 310-26. Enforcement.
- § 310-27. Violations and penalties.

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

ARTICLE I
Winter Parking
[Adopted 5-19-1958 by Ord. No. 102]

§ 310-1. Parking restricted. [Amended 9-17-2001]

No person shall stop or leave any vehicle standing in any of the following places, except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers, and while the vehicle is attended by a licensed operator, so that it may promptly be moved in case of an emergency or to avoid obstruction to traffic or to provide for snow removal:

- A. Upon any street or highway in the unincorporated limits of the Town of Goodman during the hours between 10:00 p.m. and 8:00 a.m. during the period commencing November 1 and ending April 15 of each and every year.¹

§ 310-2. Violations and penalties. [Amended 5-16-2001]

Any person guilty of violation of any of the provisions of this article shall, upon conviction thereof, be subject to a forfeiture of not less than \$20 nor more than \$50 for the first offense and not less than \$50 nor more than \$75 for the second or subsequent convictions within a year, together with costs of said action, and in default of the payment thereof to be imprisoned in the county jail of Marinette County until such forfeiture and subsequent costs have been paid, but not to exceed seven days.

ARTICLE II
Restricted Parking Areas
[Adopted 3-16-1960 by Ord. No. 111]

§ 310-3. No parking areas.

No person shall park any automobile, truck or other motor vehicle upon that portion of any street or highway within the Town of Goodman which has been designated a no parking area by the resolution of the Town Board of Goodman and which has been indicated as a no parking area by properly erected signs which in part read "No Parking by Order of the Town Board."

§ 310-4. Signs. [Amended 5-16-2001]

It shall be the duty of the Highway Department upon the written order of the Town Chair pursuant to a resolution by the Town Board to erect "No Parking" signs in all locations as designated.

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

§ 310-5. Violations and penalties. [Amended 5-16-2001²]

Any person guilty of violation of any of the provisions of this article shall, upon conviction thereof, be subject to a forfeiture of not less than \$25, together with costs of said action, and in default of the payment thereof to be imprisoned in the county jail of Marinette County until such forfeiture and subsequent costs have been paid, but not to exceed seven days.

ARTICLE III**Stop Intersections****[Adopted 2-19-1963 by Ord. No. 117]****§ 310-6. Designation.**

The following streets and roads in the Town of Goodman are hereby declared to be through streets, roads and intersections. Stop signs shall be placed at the following points of intersection:

- A. As set forth, shown and marked on the map of the Town of Goodman which is attached hereto marked "Exhibit A" and made a part hereof.³

§ 310-7. Signs and signals. ⁴

The Town Board of Goodman is hereby authorized and directed to procure, erect and maintain appropriate traffic signs, signals and markings conforming to the rules and regulations of the State Department of Transportation giving notice, when required, of the provisions of this article.

§ 310-8. Manner of stopping.

Every operator of a vehicle approaching an official stop sign at an intersection shall cause such vehicle to stop before entering the intersection except when directed to proceed by a traffic officer or traffic control signal. Stops required by this section shall be made in the following manner:

- A. If there is a clearly marked stop line, the operator shall stop his vehicle immediately before crossing such line.
- B. If there is no clearly marked stop line, the operator shall stop his vehicle immediately before entering the crosswalk on the near side of the intersection.
- C. If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, he shall, before entering the

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

3. Editor's Note: Exhibit A is on file at the office of the Town Clerk.

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

intersection, stop his vehicle at such point as will enable him to efficiently observe the traffic on the intersecting roadway.

§ 310-9. Violations and penalties. ⁵

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, forfeit to the Town of Goodman the sum of not less than \$25 nor more than \$50, as adjudged by the court, plus the costs of prosecution as taxed and assessed by the court, and in default of payment of said forfeiture and costs shall be imprisoned in the county jail of Marinette County for such period of time, but not exceeding 90 days, as shall be adjudged by the court unless said forfeiture and costs are sooner paid.

ARTICLE IV

Speed Limits

[Adopted 12-14-1973 by Ord. No. 126]

§ 310-10. Limits established. ⁶

A traffic and engineering investigation having been made on the following described highways, the maximum permissible speed at which vehicles may be operated on said highways, which speed is herewith established as reasonable and safe pursuant to § 349.11, Wis. Stats., shall be as set forth herein, subject to the approval of the State Department of Transportation, and upon the erection of standard signs giving notices thereof:

A. Town roads, Town of Goodman, Marinette County.

(1) Thirty-five miles per hour on the following specified Town roads:

(a) Ten Acre Road from U.S. Highway 8 northeasterly for 1.63 miles.

(b) Lake LaFave Road from the south junction of County Trunk Highway "H" to the north junction of County Trunk Highway "H."

§ 310-11. Violations and penalties. ⁷

Any person violating any provision of this article may be fined not less than \$20 nor more than \$300 together with costs of said action, and in default of the payment thereof may be imprisoned in the county jail of Marinette County until such forfeiture and subsequent costs have been paid, but not to exceed 30 days.

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

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

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

ARTICLE V
Traffic Regulations
[Adopted 6-1-1978 by Ord. No. 130]

§ 310-12. Provisions of state law adopted by reference. *

- A. State traffic forfeiture laws adopted. Except as otherwise specifically provided in this article, all provisions of Chs. 340 through 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and by reference made a part of this article as if 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 article.
- B. Other laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this article shall be as provided in Chs. 340 through 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as provided in § 310-14 of this article: § 941.01(1), Negligent operation of vehicle off highway.

§ 310-13. Accident reports.

The operator of any vehicle involved in an accident shall, within 10 days after such accident, file with the Sheriff's Department a copy of the report required by § 346.70, Wis. Stats. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident, capable of making such report, shall have the duty to comply with this section. Such reports shall be subject to the provisions and limitations in §§ 346.70(4)(f) and 346.73, Wis. Stats.

§ 310-14. Violations and penalties.

The penalty for violation of any provision of this article shall be a forfeiture as herein provided together with the cost of prosecution imposed as provided in §§ 345.20 to 345.53, Wis. Stats., together with the penalty assessment as provided by law. Forfeitures for violations of any provision of Chs. 340 through 348, Wis. Stats., adopted by reference in § 310-12 of this article, shall conform to forfeitures for violations of the comparable state offense, including any variations or increases for second offenses.

§ 310-15. Enforcement. °

This article shall be enforced in accordance with the provisions of §§ 345.20 to 345.53, Ch. 799, and § 66.0114, Wis. Stats. Chapter 799 will govern county prosecution procedure.

- A. Stipulation of guilt or no contest. Stipulations of guilt or no contest may be made by persons arrested for violations of this article in accordance with § 66.0114(1)(b), Wis.

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

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

Stats., whenever the provisions of § 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under § 345.11, Wis. Stats., and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the Clerk of the Municipal Court or the County Sheriff's Department.

- B. Deposits. Any person stipulating guilt or no contest under Subsection A of this section must make the deposit required under statute, § 345.26, Wis. Stats. The deposits may be brought or mailed to the office of the Clerk of the Municipal Court or the County Sheriff's Department.
- C. Notice of demerit points and receipts. Every officer accepting a forfeited penalty or money deposit under this article shall receipt therefor in triplicate, as provided in § 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this article shall comply with the provisions of §§ 343.27, 343.28, 345.26(1) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under § 345.11, Wis. Stats.
- D. Forfeiture to Clerk of Courts. Any officer accepting deposits or forfeited penalties under this article shall deliver them to the Clerk of the Municipal Court during the next Municipal Court session.

§ 310-16. Official traffic signs and signals.

- A. The Town Clerk is hereby authorized and directed to procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of Transportation giving such notice of the provisions of this article as required by state law. Signs shall be erected in such locations and manner as the Town Board shall determine will best serve the purposes of this article and give adequate warning to users of the street or highway.¹⁰
- B. Removal of unofficial signs and signals. The Town Board 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 article or § 346.41, Wis. Stats. Any charge imposed on a premises for removal of such an illegal sign, signal or device shall be reported to the Town Board at its next regular meeting for review and certification.¹¹

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

11. Editor's Note: Original Section 6, References to statutes, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE VI
Snowmobiles
[Adopted 1-4-1988 by Ord. No. 136]

§ 310-17. State snowmobile laws adopted. ¹²

Except as otherwise specifically provided in this article, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made a part of this article as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this article.

350.01	Definitions
350.02	Operation of snowmobiles on or in the vicinity of highways
350.03	Right-of-way
350.04	Snowmobile races, derbies and routes
350.045	Public utility exemption
350.047	Local ordinance to be filed
350.05	Operation by youthful operators restricted
350.055	Safety certification program established
350.07	Driving animals
350.08	Owner permitting operation
350.09	Head lamps, tail lamps and brakes, etc.
350.10	Miscellaneous provisions for snowmobile operation
350.11	Penalties
350.12	Registration of snowmobiles; trail use stickers
350.125	Completion of application for registration by snowmobile dealers
350.13	Uniform trail signs and standards
350.135	Interferences with uniform trail signs and standards prohibited
350.15	Accidents and accident reports
350.155	Coroners and medical examiners to report; require blood specimen
350.17	Enforcement
350.19	Liability of landowners
350/99	Parties to a violation

§ 310-18. Snowmobile routes designated.

A. The following Town roads in the Town of Goodman:¹³

¹². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Name of Street	From	To
Cemetery Road	Highway 8	Ridge Road
Clark Lake Road	Highway 8	Driveway of N18588
Lake Lafave	County H	Northwoods Drive
Northwood Drive	Lake LaFave Drive	End of road
Ridge Road	Cemetery Road	Highway 8
Shrine Road	Highway 8	End of road
Snowshoe Drive	Highway 8	0.10 mile to trail
Spruce Drive	Highway 8	Driveway of residence
Tower Road	Highway 8	End of road
Twin Lake Road	Highway 8	County line
Wilderness Road	Tower Road	End of road

B. The following streets and alleys within the platted Village of Goodman:¹⁴

Name of Street	From	To
Alley between 4th Street and 5th Street	"B" Avenue	Beech
"B" Avenue	4th Street	Alley
Beech	Driveway of No. 807	Highway 8
4th Street	Main Street	"B" Avenue
4th Street	Beech	East to cul-de-sac
5th Street	Woods Lake Road	Main Street
Main Street	5th Street	4th Street
Woods Lake Road	South of Town	5th Street

C. Snowmobile speed shall not exceed 10 miles per hour on such streets and alleys, nor shall "joy riding" be permitted after 10:00 p.m. within the platted village.

D. Special restrictions on route outside of the platted Town of Goodman: **[Added 3-19-1990]**

- (1) Snowmobiles shall not exceed 10 miles per hour on any snowmobile route designated on Cemetery Road.

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

ARTICLE VII
Compression Brakes
[Adopted 11-19-2003 by Ord. No. 149]

§ 310-19. Restriction.

The Town of Goodman deems it necessary that no person shall use any motor vehicle brakes within the Town limits of the Town of Goodman which are in any way activated or operated by the compression of the engine of a motor vehicle, or any unit or part thereof, except in an emergency situation.

§ 310-20. Violations and penalties.

Any person who shall violate this article shall pay a forfeiture as follows:

- A. First offense within one year: \$100 plus court costs.
- B. Second offense within one year: \$150 plus court costs.
- C. Third offense within one year: \$200 plus court costs.

§ 310-21. Changes to forfeitures. ¹⁵

Any change in the forfeiture schedule as set forth above may be adopted by resolution, adopted by a majority vote of the Town Board of the Town of Goodman.

ARTICLE VIII
All-Terrain Vehicles
[Adopted 5-19-2008 by Ord. No. 155]

§ 310-22. Intent.

The Town of Goodman, Marinette County, adopts the following all-terrain vehicle (ATV) route for the operation of all-terrain vehicles upon the roadways listed in § 310-24.

§ 310-23. Statutory authority. ¹⁶

This route is created pursuant to Town authority under § 23.33(8)(b), Wis. Stats. The applicable provisions of § 23.33, Wis. Stats., regulating ATV operation pursuant to established routes, are adopted.

¹⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 310-24. Routes.

The following roads are designated as routes: all Town roads under the jurisdiction of the Town of Goodman.

§ 310-25. Conditions.

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers):

- A. All ATV operators shall observe posted roadway speed limits.
- B. All ATV operators shall ride single file.
- C. All ATV operators shall slow the vehicle to 10 miles per hour or less when operating within 150 feet of a dwelling.
- D. Routes must be signed in accordance with § NR 64.12, Wis. Adm. Code.

§ 310-26. Enforcement.

This article shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

§ 310-27. Violations and penalties.

Wisconsin state all-terrain vehicle penalties as found in § 23.33(13)(a), Wis. Stats., are adopted by reference.

Chapter 317

WATER

ARTICLE I Cross-Connection Control

- § 317-1. Definition.
- § 317-2. Connections prohibited.
- § 317-3. Inspections.
- § 317-4. Right of entry.
- § 317-5. Suspension of water service.
- § 317-6. Emergency suspension of water service.
- § 317-7. Adoption of state code.

§ 317-8. Effect on other laws.

ARTICLE II Private Well Abandonment

- § 317-9. Purpose.
- § 317-10. Coverage.
- § 317-11. Well operation permits.
- § 317-12. Methods.
- § 317-13. Reports and inspection.
- § 317-14. Violations and penalties.

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

GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 282.

ARTICLE I Cross-Connection Control [Adopted 11-17-1980 by Ord. No. 132]

§ 317-1. Definition.

A cross-connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Goodman water system and the other water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

§ 317-2. Connections prohibited.

No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Town of Goodman may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Goodman Sanitary District No. 1 and by the Wisconsin Department of Natural Resources in accordance with § NR 811.09(2), Wis. Adm. Code.

§ 317-3. Inspections.

It shall be the duty of the Goodman Sanitary District No. 1 to cause inspections to be made of all properties served by the public water system where cross-connection with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Goodman Sanitary District No. 1 and as approved by the Wisconsin Department of Natural Resources.

§ 317-4. Right of entry.

Upon presentation of credentials, the representative of the Goodman Sanitary District No. 1 shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town of Goodman for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

§ 317-5. Suspension of water service.

The Goodman Sanitary District No. 1 is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in § 317-6. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this article.

§ 317-6. Emergency suspension of water service.

If it is determined by the Goodman Sanitary District No. 1 that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk of the Town of Goodman and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

§ 317-7. Adoption of state code.

The Town of Goodman adopts by reference the State Plumbing Code of Wisconsin, being Chs. Comm 81 to 87, Wis. Adm. Code.

§ 317-8. Effect on other laws.

This article does not supersede the State Plumbing Code and Chapter 140, Building and Mechanical Standards, of the Town Code but is supplementary to them.

ARTICLE II
Private Well Abandonment
[Adopted 11-1-1980 by Ord. No. 133¹]

§ 317-9. Purpose.

The purpose of this article is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed.

§ 317-10. Coverage.

All private wells located on any premises which is served by the public water system of the Goodman Sanitary District No. 1 shall be properly filled by January 1, 1981. Only those wells for which a well operation permit has been granted by the Goodman Sanitary District No. 1 Chair may be exempted from this requirement; subject to conditions of maintenance and operation.

§ 317-11. Well operation permits.

A permit may be granted to a well owner to operate a well for a period not to exceed one hour per day during the summer months (June, July and August) if the following requirements are met. (Application shall be made on forms provided by the Goodman Sanitary District No. 1 Chair.)

- A. The well and pump installation meet the requirements of Ch. NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
- B. The well produces bacteriologically safe water as evidenced by three samplings two weeks apart.
- C. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
- D. No physical connection shall exist between the piping of the public water system and the private well.

§ 317-12. Methods.

Wells to be abandoned shall be filled according to the procedures outlined in Ch. NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

1. Editor's Note: The following paragraph appeared at the beginning of this ordinance: "The Commission of the Goodman Sanitary District No. 1 does hereby enact the following ordinance relating to the sealing and filling of private wells within the boundaries of this municipality."

§ 317-13. Reports and inspection.

A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency (available at the office of the Goodman Sanitary District No. 1 Chair). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of this municipality.

§ 317-14. Violations and penalties.

Any person, firm or other well owner violating any provisions of this article shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$1,000, together with the cost of prosecution. Each twenty-four-hour period during which a violation exists shall be deemed and constitute a separate offense.