

**READSTOWN MUNICIPAL CODE
OF ORDINANCES**

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Title 1
General Provisions

The penalty for violation of an ordinance or section of this code, when not specified in such ordinance or section of this code, shall be a forfeiture of not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisonment in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense. (Ord 169, 1992)

Title 2
Administration and Personnel

Sections:

- 2.01 Administration and eligibility for CDBG, DOD, HUD programs
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Section 2.01 Administration and eligibility for CDBG, DOD, HUD programs

No Trustee, Village President, or any other official elected or appointed to serve the Village shall be eligible to participate in any Community Development Block Grant (CDBG), Department of Development (DOD), or Housing and Urban Development (HUD) programs administered by the Village.

No spouse or dependant, or any Trustee, or the Village President, or any other official, elected or appointed, of the Village shall be eligible to participate in any CDBG, DOD, or HUD programs administered by the Village.

The Village shall hire a qualified CBDG program administrator who resides outside of the Village to administer all CDBG, DOD, and HUD programs.

A block grant committee shall be composed of citizens who are not elected officials, and shall be appointed by the Village Board. The committee shall approve or reject applications for financial assistance, and shall make any rules, regulations, forms and orders to carry out the purpose and policies of the various programs. The committee shall have the authority to amend provisions of any block grant handbook not covered by this section. The terms of committee members shall be staggered as follows: two to serve for three years, two to serve for two years, and one to serve for one year. (Ord 188, 1996)

Section 2.02 Assessor confidential information

Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, as per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats. (Ord No 223, 2000)

Section 2.03 Board of Review

Pursuant to the provisions of section 70.46, Wisconsin Statutes, the Board of Review shall be comprised of the following persons: the Village President; the Village Clerk; and one trustee appointed by the President. (Ord No 221, 2000).

The Village President shall appoint two trustees as alternate members of the Board of Review, to serve in place of a regular member when requested by the Village President or in the President's absence by the Village Clerk. (Ord 249, 2005)

Section 2.04 Cemetery

The Cemetery located in the Village shall be known as "The Readstown Cemetery". The control and management of the Cemetery owned and operated by the Village shall be vested in the Village Board, and said Board shall formulate such rules and regulations as it shall deem expedient from time to time for planting of trees, shrubs, flowers, the erection, repair and re-arrangement of markers, headstones and monuments, and otherwise provide for the management, protection and control of said Cemetery in manner as authorized by chapter 157 of the Wisconsin Statutes and other statutes applicable thereto now in existence or as hereafter passed. (Ord 12, 1940)

The Board may sell and convey platted lots on such cemetery lands recorded, expressly restricting the use to burials and upon such other terms, conditions, and restrictions as the Board directs. Conveyances shall be signed by the President of the Board and the Village Clerk, and before delivering the Clerk shall enter in a book kept for the purpose the date and consideration and the name and address of the grantee. No deed shall be delivered until payment of the purchase price, and such amount as shall be fixed by the Board for perpetual care. (Ord 12, 1940)

Burial permits shall be issued by the President of the Board and the Clerk shall attest the same, such permits to be issued upon written application therefore, which application shall be accompanied by a fee to be fixed by the Board for the opening of the grave. In case vaults are desired, requiring unusual services on the part of the Sexton, or in case other improvements are desired, such as foundations for monuments, markers, etc., an additional deposit shall be made as may be required to cover the expense incurred and any excess shall be returned to the applicant. (Ord 12, 1940)

The Village Treasurer of said Village is hereby designated as the legal custodian of all cemetery funds and is directed to keep and maintain a separate fund to be known as the " Cemetery Fund" and the Treasurer shall credit to such fund all the moneys received by him or her for or through said cemetery. Moneys received by the Treasurer for perpetual care shall be kept at interest for the upkeep of tracts for which paid, and all moneys in the treasury belonging to said cemetery shall be placed at interest except such amount as shall be necessary for a working fund. (Ord 12, 1940)

No person shall plant in the cemetery, trees or shrubs, nor erect wooden fences or structures, or offensive or dangerous structures or monuments, or markers, or maintain them if planted or erected in violation of regulations; and the Board may require any person owning or controlling a lot to do anything necessary to comply with the regulations by giving reasonable notice in writing if the person is a resident of the

county; and if the person shall fail to comply within twenty days thereafter the Board may cause it to be done and recover from the person the expense. The Board may also impose and collect a forfeiture not exceeding ten dollars for violation of the regulation posted in three conspicuous places in the cemetery, recoverable under chapter 142, Wisconsin Statutes. Each member of the Board and sexton shall have constable powers in enforcing regulations. (Ord 12, 1940)

The Board may annually assess upon the lots not exceeding two dollars per lot excluding drives and walks, for cleaning and care of the lots. Notice with a copy of Section 157.11 of the Statutes shall be mailed forthwith to each lot owner or person having charge of a lot, at his or her last post office address, directing payment to the Treasurer within thirty days and such assessment shall be a personal charge and liability. (Ord 12, 1940)

The Board may fix and determine the sum reasonably necessary for perpetual care and general care and improvement in reasonable and uniform amounts, and may collect the same as provided in the preceding paragraph, the time to be given for payment to be one year. (Ord 12, 1940)

When uniform care of a lot has been given for two consecutive years or more, for which assessments are unpaid, after notice as provided herein, the right to interment is forfeited until delinquent assessments are paid. When uniform care has been given for five consecutive years or more and the assessments are unpaid, title to all unoccupied part of the lot shall pass to the Village and may be sold, the proceeds to be paid to a fund for perpetual care of the occupied portion. (Ord 12, 1940)

No person shall build a structure for corpses, wholly or partially above the ground, except in compliance with the regulations of the State Board of Health and as provided by the laws of the State of Wisconsin pertaining thereto. (Ord 12, 1940)

The management of the cemetery shall be in the hands of a committee of three persons to be elected by the Village Board, one to be elected for a term of three years, one for a term of two years, and one for a term of one year. Then at the reorganization of the Village Board each year there shall be a member of the committee elected for a term of three years. (Ord 12, 1940)

The annual dues shall be two dollars per lot or half lot, and the charge for perpetual care shall be \$50.00 per lot. When the perpetual care charges have been paid there shall be no annual dues. (Ord 12a, 1966)

The following rules and regulations are adopted for the Readstown Cemetery:

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1. Trees, bushes, and planted flowers are prohibited except those maintained or planted by the authorized caretaker of the cemetery.
2. Flowers in urns or pots may be placed only on grave marker or monument base.
3. The Village is not responsible for urn or pot breakage.
4. Flowers and other memorials placed for Memorial Day must be removed by June 10th.
5. No wooden boxes, wire containers, glass jars, or other such foreign objects may be placed on or about lots.
6. No fences, hedges, or enclosures on or around lots.
7. Items placed in violation of these regulations may be removed and/or destroyed without notice.
8. Lot prices: 1 site \$150.00; 2 sites \$300.00; and 4 sites \$600.00. (Ord. 217, 1999)
9. Grave opening fee: \$200.00; any opening or closing to occur on a weekend or holiday \$300.00. Grave opening fee for cremains: \$50.00; any opening or closing that occurs on a weekend or holiday \$100.00. (Ord. 217, 1999)
10. Casket and burial vault are required.
11. Casket and vault are to be placed in an East/West direction.
12. Vault to be a minimum of 2 feet below ground level.
13. A marker shall have a base at least 4 inches deep, minimum 4 inches border surrounding marker; base to have no less than 2 urn holders, a minimum of 1.5 inches in diameter.
14. Lots will be sold only to residents or former residents or their descendants.
15. No burning of any kind or nature or for any purpose shall be done in the cemetery.

16. No person shall be in possession of any alcohol in the cemetery; any alcohol found on the cemetery grounds shall be confiscated and destroyed.

2.04 - 2.05

Any person who violates this section shall be required to forfeit not less than \$25 nor more than \$100 for a first offense, and not less than \$50 nor more than \$200 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. In addition to such forfeiture, or in lieu of any such forfeiture, the Village may remove from the cemetery any property placed in violation of the rules and regulations of the cemetery. (Ord 192, 1996)

Section 2.05 Code of Ethics

Section 2.05.1: DECLARATION OF POLICY.

It is declared that high ethical standards among municipal public officials and municipal employees are essential to the conduct of free government. The Village Board has determined that a code of ethics for the guidance of municipal officials and municipal employees will assist them in avoiding conflicts between their personal interests and their public responsibilities, will improve standards of public service, and will promote and strengthen the faith and confidence of the people of the Village in their municipal officials and municipal employees. It is declared to be the intent of the Village Board that in its operations the Village Board shall protect to the fullest extent possible the rights of individuals affected.

Section 2.05.2: ADOPTION OF STATE STATUTES BY REFERENCE.

To the extent applicable to municipal officials and municipal employees, the provisions of subchapter III of chapter 19 of the Wisconsin Statutes, which provides a code of ethics for public employees at the State level, are hereby adopted as the code of ethics for municipal officials and municipal employees. Section 19.59, Wisconsin Statutes, which provides for the code of ethics for local government officials and employees, shall be applicable to the Village of Readstown.

Section 2.05.3: DEPARTMENT OF AGRICULTURE COMPLIANCE.

Pursuant to the requirements of Rural Development, and in connection with existing State statutes and this section, the officers, employees, and

agents engaged in the award and administration of the contracts supported or financed by Rural Development funds, shall be fully bound by the provisions of the State code adopted by this section by reference. No employee, officer or agent of the Village of Readstown shall in his or her private capacity participate in the selection, award, or administration of a contract supported by Rural Development funds if a conflict of interest, real or apparent would be involved. Examples of such conflicts would arise when the employee,

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officer or agent or any member of the immediate family, or partner, or any entity which employs or is about to employ any of the foregoing, has a financial or other private interest in the entity selected for the award. The Village officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from any contractors, potential contractors, or parties to subagreements, pertaining to Rural Development funds.

Section 2.05.4: PENALTIES.

Any person who violates the provisions of this section shall be subject to a forfeiture of not less than \$200.00 nor more than \$500.00, and termination of employment and position with the Village. In addition the person shall be required to make restitution to the Village in the amount of any monetary loss resulting from such violation. (Ord No 231, 2001)

Section 2.06 Donations limited

The Village Board will limit the use of taxpayer money for donations to non-profit organizations of the Village. The maximum amount given in any calendar year is \$500 per organization. (Ord 203, 1997)

Section 2.07 Emergency Management

Pursuant to the provisions of section 66.30, Wisconsin Statutes, pertaining to intergovernmental cooperation, the Village of Readstown hereby adopts the Vernon County Emergency Operations Plan promulgated pursuant to the "Vernon County Emergency Government" ordinance.

The Village President is hereby appointed Municipal Deputy Emergency Government Director to operate under the administration of the Vernon County Emergency Government Director, and in the absence of the President an employee of the public works department shall serve. (Ord No 011206)

Section 2.08 Emergency Medical Team/Service

There is hereby created a unit of the Village Fire Department, to be known as the "Readstown Emergency Medical Team/Service".

2.08 - 2.12

All members of the organization formerly known as the "First Responder Group" and presently known as the Readstown Emergency Medical Team/Service shall be members of such unit, effective November 14, 1988.

The membership of the unit shall determine the qualifications of future members, and may promulgate rules and regulations for the unit.

The President of the Readstown Emergency Medical Team/Service shall have control and responsibility for the care of the equipment of such unit.

All members of the unit shall be entitled to the following compensation: \$5 for attending a meeting; \$5 for attending a response; and additional \$5 if a response requires the member to accompany a patient to Viroqua; and an additional \$5 if a response requires a member to accompany a patient to La Crosse. (Ord 149, 1988)

Section 2.09 (Repealed 2015)

Section 2.10 (Repealed 2015)

Section 2.11 (Repealed 2015)

Section 2.12 Fire Department

The volunteer fire company organized under chapter 213 of the Wisconsin Statutes under the title of Protection Fire Company No. 1 is disbanded pursuant to Section 213.04 of the Wisconsin Statutes. In lieu thereof the members of such fire organization are officially recognized as the volunteer fire department of the Village of Readstown, and duty of firefighting and the prevention of fires in the Village is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this section and by such bylaws adopted by the department as are approved by the Village Board, except as otherwise provided by law and ordinance.

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section and by such bylaws adopted by the department as are approved by the Village Board, except as otherwise provided by law and ordinance.

The chief shall immediately assume office and shall hold office until removed for cause by action of two-thirds of the members of the Village Board, unless sooner terminated by resignation, change of residence to outside the Village limits, or death.

The first and second assistant chiefs, and the captains and lieutenants shall be appointed by the chief from members of the department.

The chief shall have general supervision of the department, subject to this section and the bylaws of the department and shall be responsible for the personnel and general efficiency of the department.

It shall be the duty of the chief, or his designee, to be present at all fires, to have complete command of and entire responsibility for all fire fighting operations, to plan the control of same, to direct the action of the fire fighters when they arrive at a fire, to observe that all fire fighters do their duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.

No later than December 1st of each year, the chief shall file with the Village clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

F. It shall be the duty of the chief to submit a written report to the Village Board not later than February 1st of each year, and at such other times as he deems desirable, relating to the condition of the various places of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of the department, the total number of active members in the department and resignations and expulsions from the department. He shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the department.

The Chief shall enforce all fire prevention ordinances of this Village and state law and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.

The Chief shall keep a fire record of every fire to which the department was called and shall enter in such record the locality of fire, time alarm was received, cause of fire,

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where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

The Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of test on each length, which shall be individually identified. This inventory will also be on record with the Village clerk and updated annually November 1.

The Chief shall perform such other duties as are incumbent on the commanding officer of the fire department.

The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

No apparatus shall be used for any purpose except fire fighting within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the chief has given his recommendations on such use. With the approval of the chief such apparatus may be used for emergency purposes other than fire fighting within the Village. A written report of all such uses shall be made yearly to the Village Board.

No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the city, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire without the consent of the fire department official in command.

The officer in command at any fire is vested with full and complete authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

The commanding officer may prescribe certain limits in the vicinity of any fire within which no persons, excepting fire fighters and police officers and those

admitted by order of any officer of the department, shall be permitted to come. The officer in charge shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to order the removal or destruction of any property necessary to

2.12 - 2.13

prevent the further spread of the fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of the fire.

It is lawful for any fire fighters while acting under the direction of the fire chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fire fighter in the discharge of his duty as previously provided, the person so offending shall be deemed guilty of resisting fire fighters in the discharge of their duty.

Every person who is present at a fire shall be subject to the orders of the fire chief or officer in command and may be required to render assistance in the fighting of the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey orders.

The chief of the fire department shall hold the office of fire inspector, with the power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers the fire inspector.

The fire chief shall be appointed by the Village Board. (Ord 13, 1940)

Section 2.13 Library

The provisions of sections 43.52 and 43.54 of the Wisconsin Statutes, describing and defining regulations with respect to municipal libraries, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by said statutes is required or prohibited by this section.

There is hereby created a Village of Readstown Municipal Library as said library previously existed as a private institution (1991), and is known as the Readstown Public Library. The Village will establish, equip and maintain said

library as a public library as the same was established and will levy a tax or apportion money to provide a library fund to be used exclusively to maintain said library and will enact and enforce regulations to govern the use, management and preservation of said library.

Such library shall be forever free for the use of the inhabitants of the Village, subject to such regulations as the library board shall prescribe in order to render the use of said library most beneficial to the greatest number, and said board may exclude from the use of said library any and all persons who willfully violate such regulations.

2.13 - 2.14

In accordance with section 43.54, Wisconsin Statutes, the municipal library shall be administered by a five member appointive library board, of whom at least three shall be appointed from the Village, the remaining two may be citizens of the adjoining town, and one must represent the school district administration. All shall be appointed by the Village President with the approval of the Village Board. The library board members shall be divided into three equal classes to serve for one, two, and three years, respectively, from July 1st in the year of their appointments and thereafter each regular appointment shall be for a term of three years. No more than one member of the Village Board shall at any one time be a member of the library board.

A majority of the library board shall be a quorum. The board may, by regulation, provide that three or more members shall constitute a quorum.

The library board as soon as practicable after the first appointments, at the time and place fixed by the appointing officer, shall in accordance with section 43.58 of the Wisconsin Statutes, organize itself.

The right of the Village to acquire library property or purchase of other lands shall be by consent pursuant to section 43.52 of the Wisconsin Statutes, and all property so acquired shall be controlled in accordance therewith.

The terms "Wisconsin Statutes" wherever used in this section shall mean the Wisconsin Statutes of 1990.

All ordinances concerning or regulating a public library in the Village and all ordinances or parts of ordinances in conflict with this section heretofore enacted by the Village are hereby repealed.

The provisions of this section shall be deemed severable and it is expressly declared that the Village would have passed the other provisions of this section irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this section or the application thereof

to any person or circumstances is held invalid; the remainder of the section and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord 163, 1991)

Section 2.14 Plan Commission

There is hereby created a "Village Plan Commission", as authorized by section 61.35 and 62.23, Wisconsin Statutes.

2.14 - 2.18

The members of the Village Plan Commission shall be the Village President, at least one Trustee, and three (3) other individuals.

The Trustee member or members of the Village Plan Commission shall be elected by a majority vote of the Village Board each April.

The members of the Plan Commission, other than Trustee(s) and the President, shall be appointed by the President to hold office for terms of three years. The members of the Village Plan Commission shall be the President of the Board, at least one Trustee, and five (5) other individuals.

The Trustee member or members of the Village Plan Commission shall be elected by a two-thirds vote of the Village Board, upon the creation of the Commission and during each April thereafter.

Section 2.15 Records retention

[See Ordinance No. 199, not codified]

Section 2.16 Salaries of President and Trustees

The salary of the President and the Trustees are as follows:

President: One Hundred Twenty Five (\$125) dollars per month, plus Twenty Five (\$25) dollars for attendance at Board of Review.

Trustee: (excluding President): Thirty (\$30) dollars per Board meeting; Fifteen (\$15) dollars per committee meeting; Twenty Five (\$25) dollars for attendance at Board of Review. (Ord No. 121406)

Section 2.17 Treasurer's obligation for taxes.

The Village of Readstown is obligated to pay, in case the treasurer shall fail so to do, all taxes of any kind required by law to be paid by such treasurer, pursuant to the provisions of section 70.67 (2), Wisconsin Statutes. (Ord No 20, 19___)

Section 2.18 Clerk - Treasurer offices combined

The offices of Clerk and Treasurer are combined into one office, that of Clerk-Treasurer.

The Village Clerk-Treasurer shall be appointed by the Village Board, and shall hold office for an indefinite term.

2.18 - 2.19

The person so appointed shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Village Board from time to time. (Ord No. ____, 1979)

Section 2.19: Municipal Court

Municipal Court Created Pursuant to section 66.0301 and the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Kickapoo River Municipal Court", said court to become operative and function on September 1, 2006. (Ord No. 081006.1)

Municipal Judge (a) Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court. The judge now serving for the existing municipal court of the Village of Viola shall serve as the judge for the joint court until the end of the term or until a special election is held under s. 8.50(4)(fm).

(b) Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$1,000.00. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirements of §755.03(2) have been complied with.

(c) Salary: The salary of the Municipal Judge shall be fixed by the Village Board of the Village of Viola. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4) (c) Wis. Stats. The municipalities may by separate ordinance allocate funds for

the administration of the Municipal Court pursuant to §66.0301 Wis. Stats. (Ord No. 081006.1)

Elections (a) Term: Commencing with the 2011 spring election, the Municipal Judge shall be elected at large for a term of four (4) years with said term commencing on the May 1 of the year of election. (Ord. No. 120910.1)

(b) Electors: Electors in the Villages of Readstown and Viola shall vote for judge. (Ord No. 081006.1)

Jurisdiction (a) The Municipal Court shall have jurisdiction over incidents occurring on or after the date of establishment of the Court, as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

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(b) The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

(c) The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats. (Ord No. 081006.1)

Municipal Court hours, clerks (a) Hours: The Municipal court shall be open at such location and at such times as determined by the Village Board of the Village of Viola and the Municipal Judge.

(b) Employees: The Judge shall, in writing, appoint such clerks and deputy clerks as are authorized and funded by the Villages of Readstown and Viola. (Ord No. 081006.1)

Collection of Forfeitures and Costs The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected. (Ord No. 081006.1)

Contempt of Court The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the

assessments thereon, a jail sentence not to exceed seven (7) days. (Ord No. 081006.1)

Abolition; Withdrawal (a) The Municipal court hereby established shall not be abolished while the agreement between the Villages of Readstown and Viola is in effect.

(b) The Village of Readstown may withdraw from the agreement by giving notice, in writing, to the Village of Viola no later than September 30th of any year. Upon giving such notice, the Village of Readstown's participation in the joint municipal court shall terminate on December 31st of said year. (Ord No. 081006.1)

Inconsistent ordinances repealed All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed. (Ord No. 081006.1)

Section 2.20 Historical Society Committee

There is hereby created a Village Committee to be known as the Historical Society Committee.

The members of the Committee shall be the officers and directors of the Readstown Historical Society, Inc.

The Committee shall meet as it decides, and all meetings shall be preceded by public notice by means of posting the agenda for the meeting in three public places in the Village of Readstown. Committee meetings shall be open to the public, except when lawfully closed for a reason permitted under Section 19.85 of the Wisconsin Statutes. The Committee shall keep minutes of the substance of any action taken at a meeting. The agendas and the minutes of the meetings shall constitute public records of the Village of Readstown. (Ord 081006.1)

Section 2.21 Appointment of Election Inspectors.

(1) Appointment. There shall be seven (7) election inspectors at each polling place at each election. Pursuant to Wis. Stat. sec. 7.30(1), the Village of Readstown hereby allows for the selection of alternate officials or the selection of two (2) or more sets of officials to work at different times on election day and hereby permits the Clerk or his/her designee to establish different working hours for different officials assigned at the same polling place.

(2) Reduction in Number of Officials. Notwithstanding s. 2.09(1), the Village Board may, by resolution, reduce the number of election officials and modify or rescind any similar previous action provided that the number of officials at any polling place is reduced to not less than three (3).

Title 3
(Reserved)

Title 4
Alcohol Beverages

Sections:

- 4.01 Hours of operation and underage persons on Class "B" licensed premises
- 4.02 Hours of sale, fermented malt beverage licensed premises
- 4.03 Hours on Sunday, intoxicating liquor licensed premises
- 4.04 Improper Exhibitions on licensed premises
- 4.05 Knowledge of alcohol beverage laws; revocation and suspensions for violations
- 4.06 Limiting applications when previously denied
- 4.07 Open containers in public prohibited
- 4.08 Operator's license

Section 4.01 Hours of operation and underage persons on Class "B" licensed premises

No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close. Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling centers, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell, dispense, or give away fermented malt beverages during the hours specified in this paragraph. This section does not prohibit the permittee, licensee, employees, salespersons, employees of wholesalers licensed under s. 125.28(1) or 125.54(1) or service personnel from being present on premises operated under a Class "B" license or permit during hours when the premises are not open for business if those persons are performing job-related activities.

In this section, "underage person" means a person who is under the age of 21.

Restrictions. 1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

Penalties. 1. In this section, "violation" means a violation of this section or section 125.07 of the Wisconsin Statutes. For purposes of determining previous violations under this section, the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

2. A person who commits a violation may be required to forfeit the following amounts, together with the costs of prosecution and in default of payment shall be imprisoned in the County Jail not exceeding 30 days:

a. Not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

b. Not more than \$750.00 if the person has committed a previous violation within 30 months of the violation.

c. Not more than \$1,000 if the person has committed 2 previous violations within 30 months of the violation.

3. A court shall suspend any license or permit issued under this section to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations. (Ord No 071405)

Section 4.02 Hours of sale, fermented malt beverage licensed premises

A Class "A" licensee (sale of fermented malt beverages for consumption off the premises) may sell fermented malt beverages between the hours of 6:00 o'clock a.m. and 12:00 o'clock midnight. (Ord No 2012-1)

Section 4.03 Hours on Sunday, intoxicating liquor licensed premises

A "Class A" licensee (sale of intoxicating liquor for consumption off the premises) may not remain open for the sale of intoxicating liquor between the hours of 9:00 o'clock p.m. and 6:00 o'clock a.m. (Ord No 2012-1)

Any person who violates this section shall be required to forfeit not less than \$100 nor more than \$300, together with costs of prosecution, and in default of payment thereof shall be committed to the County jail until such forfeiture and costs are paid, not exceeding 30 days.

The license of premises where a violation of this section shall have occurred may be suspended by the Village Board for any period not exceeding 30 days. (Ord 118, 1981)

Section 4.04 Improper Exhibitions on licensed premises

DEFINITIONS

- A. "Distribute" means to transfer possession of, with or without consideration.
- B. "Material" means any printed matter, visual representation, or sound recording, and includes but is not limited to books, magazines, photographs, drawings, sculptures, and tape or wire recordings.
- C. "Nudity" means uncovered or less than opaquely covered postpubertal human genitals, pubic areas, the postpubertal human female breast below a point immediately above the top of the areola, or the covered human male genital in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only and the areola only are covered.
- D. "Performance" mans any play, motion picture film, dance, or other exhibition performed before an audience.
- E. "Person" means any individual, partnership, firm, association, corporation, or other legal entity.
- F. "Pornographic" means any material or performance which:

1. Taken as a whole, the dominant theme of the material or performance appeals to a prurient interest in sex; and
2. Is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matter; and
3. Is utterly without redeeming literary, artistic, political, scientific or social value.

4.04

G "Sado-masochistic abuse" means either:

1. Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume; or
2. The condition of being fettered, bound or otherwise physically restrained on the part of a person who is nude or clad in undergarments or in revealing or bizarre costume.

H. "Sexual conduct" means ultimate sexual acts including but not limited to masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, fellatio or cunnilingus.

IMPROPER EXHIBITIONS AND NUDITY PROHIBITED.

A. It is unlawful for any Class "B" of "Class B" licensee to perform, or for any such licensee or manager or agent of such licensee to permit any employee, entertainer or patron to engage in any performance or exhibition on the licensed premises which:

1. Exposes or exhibits nudity, sado-masochistic abuse, or sexual conduct including the touching of any portion of the female breast or the male and/or female genitals; or
2. Exposes or exhibits any device, costume or covering which gives the appearance of or simulates nudity, sado-masochistic abuse, or sexual intercourse.

DISTRIBUTION OF MATERIAL PROHIBITED.

A. It is unlawful for any Class "B" of "Class B" licensee to exhibit, distribute or offer to distribute or have in his or here possession with intent to distribute, or for any such licensee or manager or agent of such licensee to permit any employee or patron to distribute, any material portraying nudity, sado-masochistic abuse, or sexual conduct which is pornographic, on any Class "B" or "Class B" licensed premises.

UNLAWFUL PERFORMANCE OR DISTRIBUTION ENJOINED.

Any performance or distribution declared by this section to be unlawful constitutes a public nuisance and may be enjoined.

RIGHT OF LEGAL PROCEEDINGS.

Any resident of the Village is given standing to institute legal proceedings to obtain a declaratory judgment whether any material or performance portraying nudity, sado-masochistic abuse, or sexual conduct, is, or is not, pornographic.

4.04 - 4.06

PENALTY PROVISIONS.

Any person, firm, or corporation who violates any of the provisions of this section shall be required to forfeit not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisoned in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense. A violation of this section is grounds for license suspension, revocation, and nonrenewal. (Ord 177, 1995)

Section 4.05 Knowledge of alcohol beverage laws; revocation and suspensions for violations

The Village will furnish applicants for alcohol licenses with a copy of a summary of the State alcohol beverage laws if available to the Village; an applicant shall become familiar with State alcohol beverage laws, whether or not the Village furnishes the applicant with such a summary.

A license will be revoked for a violation of any law regarding underage persons by the licensee.

A license will be suspended or revoked for a violation of the hours of operation, commencing with the 3rd incident (the 1st incident will result in a warning; the 2nd incident will result in a forfeiture, or fine; the 3rd will result in suspension or revocation).

A violation of the law regarding disturbing the peace or disorderly conduct, after a warning, will result in suspension of the license. (Ord 154, 1989)

Section 4.06 Limiting applications when previously denied

No fermented malt beverage nor intoxicating liquor license shall be issued for any premises, when an application for either or both such licenses for such premises has been denied within the preceding twelve months.

No fermented malt beverage nor intoxicating liquor license shall be issued to any person whose application for either or both such licenses has been denied within the preceding twelve months. (Ord No 120, 1981)

4.07 - 4.08

Section 4.07 Open containers in public prohibited

No person shall be in possession of any alcohol beverage in an open container while on any public street, alley, sidewalk, public parking lot, or any public lane.

Section 2: Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$100.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 235, 2001).

Section 4.08 Operator's license

The Village Board may issue an operator's license, which is required for the purpose of complying with Chapter 125, Wisconsin Statutes. An operator's license may be issued only upon written application. The fee shall be ten dollars. The license shall expire on June 30.

An operator's license may not be issued unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocation, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocation, technical and adult education or unless the applicant fulfills one of the following requirements:

- 1) The applicant is renewing an operator's license;
- 2) Within the past 2 years, the applicant held a Class "A", Class "B", "Class A" or "Class B" license or permit or a manager's or operator's license;
- 3) Within the past 2 years, the applicant has completed such a training course.

The Village Board may issue a provisional operator's license to an applicant who is enrolled in a training course described herein. The license shall be revoked if the applicant fails to successfully complete the course in which the applicant is enrolled. A provisional operator's license expires 60 days after its issuance or when an operator's license under this section is issued to the applicant, whichever is sooner. The fee for a provisional license shall be ten dollars, which shall be credited toward the operator's license fee. (Ord 161, 1991)

No person other than the licensee shall serve fermented malt beverages or intoxicating liquor in any place operated under a Class "B" license, unless such person possesses an operator's license issued by the Village or unless such person is under the immediate supervision of the licensee or a person holding an operator's license who is at the time of such service upon said premises.

4.08-4.09

All such licenses shall be issued on the condition that the licensee comply with Chapter 125 of the Wisconsin Statutes, the ordinance of the Village and the laws of the State of Wisconsin; and a determination by the Village Board, after notice and opportunity to be heard, of a violation of any such ordinance or law shall be cause for suspension or revocation of such license.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$100.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 111, 1980)

Section 4.09 Possession and Consumption of Alcohol by Underage Persons

(1) Any underage person who does any of the following is guilty of a violation:

(a) Procures or attempts to procure alcohol beverages from a licensee or permittee.

(b) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

(c) Enters, knowingly attempts to enter or is on licensed premises in violation of Wis. Stat. sec. 125.07(3)(a).

(d) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(2) Except as provided in par. (4), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(3) Paragraphs (1) and (2) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(4) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

- (a) A brewer or brewpub.
- (b) A fermented malt beverages wholesaler.
- (c) A permittee other than a Class "B" or "Class B" permittee.
- (d) A facility for the production of alcohol fuel.
- (e) A retail licensee or permittee under the conditions specified in Wis. Stat. secs. [125.32\(2\)](#) or [125.68\(2\)](#) or for delivery of unopened containers to the home or vehicle of a customer.
- (f) A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(5) Subject to sub. (13), any person violating par. (1) is subject to the following penalties:

(a) For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person's operating privilege as provided under Wis. Stat. sec. [343.30\(6\)\(b\)1.](#), participation in a supervised work program or other community service work under par. (8) or any combination of these penalties.

(b) For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)2.](#), except that if the violation of par. (1) involved a motor vehicle the person's operating privilege shall be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)2.](#)

(c) For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, participation in a supervised work program or other community service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#), except that if the violation of par. (1) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. [343.30\(6\)\(b\)3.](#)

(d) For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, participation in a supervised work program or other community

service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#), except that if the violation of par. (1) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. [343.30\(6\)\(b\)3.](#)

(6) Subject to sub. (13), any person violating par. (2) is subject to the following penalties:

(a) For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under Wis. Stat. sec. [343.30\(6\)\(b\)1.](#), participation in a supervised work program or other community service work under par. (8) or any combination of these penalties.

(b) For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)2.](#), except that if the violation of par. (2) involved a motor vehicle the person's operating privilege shall be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)2.](#)

(c) For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#), except that if the violation of par. (2) involved a motor vehicle the person's operating privilege shall be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#)

(d) For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work under par. (8) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#), except that if the violation of par. (2) involved a motor vehicle the person's operating privilege shall be suspended as provided under Wis. Stat. sec. [343.30\(6\)\(b\)3.](#)

(7) For purposes of par. (5) or (6), all violations arising out of the same incident or occurrence shall be counted as a single violation.

(8) Supervised work programs.

(a) A supervised work program ordered under par. (5) or (6) shall be administered by the county department under Wis. Stat. sec. [46.215](#) or [46.22](#) or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market

value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (5) or (6), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the person to perform community service work under par. (5) or (6).

(b) The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(9) When a court revokes or suspends a person's operating privilege under par. (5) or (6), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(10) A person who is under 17 years of age on the date of disposition is subject to Wis. Stat. sec. [938.344](#) unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under Wis. Stat. sec. [938.344\(3\)](#).

(11) Defendants between 17 and 20 years of age.

(a) In this paragraph, "defendant" means a person found guilty of violating par. (1) or (2) who is 17, 18, 19 or 20 years of age.

(b) After ordering a penalty under par. (5) or (6), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed, except that the court may not stay, suspend or modify the suspension of a person's operating privilege required under par. (5) or (6). The order under this subdivision shall require the defendant to do any of the following:

1. Submit to an alcohol abuse assessment that conforms to the criteria specified under Wis. Stat. sec. [938.547\(4\)](#) and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.

2. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under subd. (b)1. recommends treatment.

3. Participate in a court-approved alcohol abuse education program.

(c) If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under subd. (b)1. and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.

(d) If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under par. (5) or (6), the court may order the secretary of transportation to reinstate the operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

(e) If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under par. (5) or (6) should be imposed.

(12) Civil actions. If an underage person engages in conduct that violates par. (1) on the premises of a licensee, the licensee may bring a civil action against the underage person as provided under Wis. Stat. sec. 125.07(4)(f).

(13) Requests for Emergency Assistance.

(a) In this paragraph:

1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime.

2. "Crime victim" means a person who claims to have been the victim of a crime constituting a violation under Wis. Stat. secs. [940.22\(2\)](#), [940.225](#), [940.302](#), [948.02\(1\)](#) or [\(2\)](#), [948.025](#), or [948.05](#) to [948.095](#).

(b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of par. (1) or (2) if all of the following apply:

1. The underage person is a crime victim or bystander and

either the crime victim or the bystander requested emergency assistance, by dialing the telephone number "911" or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.

2. The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.

(c) Paragraph [\(b\)](#) does not apply to an underage person who requests emergency assistance, by dialing the telephone number "911" or by other means, with an intention to claim the protections under par. [\(b\)](#) and knowing that the fact situation that he or she reports does not exist.

Title 5
(Reserved)

Title 6
Animals

Sections:

- 6.01 Bee-keeping regulated
- 6.02 Dogs leashed or penned
- 6.03 Dog license and disturbing the peace
- 6.04 Dog waste
- 6.05 Domestic animals regulated
- 6.06 Wild animals prohibited
- 6.07 Classified dogs and other dangerous animals
- 6.08 Limit on number of dogs

Section 6.01 Bee-keeping regulated

No person shall keep more than two swarms or two colonies of bees closer than 500 feet from the nearest occupied dwelling house, school house, church, park or public highway. A violation of this section constitutes a public nuisance. (Ord 10, 1935)

Section 6.02 Dogs leashed or penned

No person shall keep or harbor a dog unless it is prevented from running at large by being enclosed within a structure or building, or either within a fenced area or on a leash, which fence and leash shall be reasonably sufficient to restrain the dog considering its size and strength.

The premises where any such dog is kept in violation of this section is declared to be a public nuisance.

Each day a dog is kept in violation of this section shall constitute a separate offense.

Any person who violates this section shall be required to forfeit not less than \$50.00 nor more than \$200.00 for a first offense, and not less than \$100.00 nor more than \$300.00 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 021209; Ord No 212, 1999)

Section 6.03 Dog license and disturbing the peace

The owner of a dog shall obtain a license for the dog as required by law.

No person shall keep or harbor any dog which by frequent or repeated or habitual howling, barking or yelping, disturbs the peace of any person or the public. Any dog so disturbing the peace is declared to be a public nuisance.

Any person who violates this section shall be required to forfeit not less than \$30.00 nor more than \$100.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 181, 1995)

Section 6.04 Dog waste

A person who is the owner of a dog, or who has the care, custody or control of a dog, shall not allow the dog to defecate upon property not owned or rented by such person.

A person who is the owner of a dog, or who has the care, custody or control of a dog, shall immediately remove the dog's excreta from any property not owned or rented by such person.

Any person who violates this section shall be required to forfeit not less than \$25 nor more than \$200.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No 194, 1996)

Section 6.05 Domestic animals regulated

No person shall pasture livestock in and upon any street, alley, or other public place in the Village. (Ord 4, 1936)

No person shall allow any domestic animal (defined to include a dog, cat, horse, bovine, sheep, goat, pig, rabbit and fowl) to run at large. A domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of its owner or some other person. (Ord 181, 1995)

Section 6.06 Wild animals prohibited

No person shall bring into the Village, or keep within the Village, any wild animal. A "wild animal" is defined as those animals that are not "domestic animals" as defined by State statute (currently section 169.01, Wisconsin Statutes, and administrative code (currently ATCP Section (rule) 10.02). The Village Board may grant permission for one or more wild animals which are part of a bona-fide circus, parade, or similar event, to be in the Village on such conditions as the Board shall impose.

Any person who violates this ordinance shall be required to forfeit not less than \$250.00 nor more than \$500.00 together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation continues shall constitute a separate offense. The place where any such prohibited animal is kept constitutes a public nuisance and the Village may institute legal action to abate such nuisance. (Ordinance 121307.1)

Section 6.07 Classified dogs and other dangerous animals

1. **Keeping of Animals Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Readstown:

(a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.

(b) Any animal having poisonous bites.

2. **Failure to comply.** The penalty for violation of this ordinance shall be a forfeiture of not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisonment in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense.

Section 6.08 Limit on number of dogs

No person shall keep or harbor more than 3 dogs per household without a license as provided herein. For purposes of this ordinance "household" means "house" and "home" and includes all other structures that serve as a residence for any person.

A license to keep more than 3 dogs per household shall be issued upon payment of the license fee of \$35.00. (Ord. 042709.1)

8.01

Title 7
(Reserved)

Title 8
Business Licenses, Regulations, Permits, Franchises, Taxes and Fees

Sections:

- 8.01 Amusement devices, permit required
- 8.02 Dances, license required
- 8.03 Fireworks, license
- 8.04 Junk yards, permit required
- 8.05 Peddlers and solicitors, transient merchants, permit required
- 8.06 Stockyard, permit required
- 8.07 Room Tax
- 8.08 Fire Protection Charges

Section 8.01 Amusement devices, permit required

The owner of a coin operated amusement device shall obtain a permit for the public operation thereof in the Village of Readstown and pay the permit fee of \$10.00 per calendar year, or part thereof, for each such device. (Ord No. 225 (226), 2000)

The form of the permit shall be substantially as follows:

VILLAGE OF READSTOWN
PERMIT
Coin operated amusement device

The following person is hereby issued a permit for the operation of the following coin operated amusement device:

Description of amusement device: _____

Name of owner: _____

Receipt is acknowledged of the \$10.00 permit fee which is for the calendar year _____.

By authority of the Village Board:

Village Clerk
Village of Readstown

8.02

Section 8.02 Dances, license required

No person shall hold or conduct a public dance except with a license issued by the Village.

A public dance, as used in this section, means any dance at which an admission is charged, and any dance operated for profit. (Ord 11, 1937)

Public dance hall shall include any room, place, space, or pavilion in or upon which a public dance is held, but shall not include dances given by churches, lodges, or schools, or in premises licensed for the sale of fermented malt beverages. (Ord 11a, 1979)

Before any public dance is held or advertised, an application for a license shall be made to the Village Board accompanied by an application fee of \$10.00.

No such license shall be granted for any premises not equipped with electric lights and toilet facilities for men and women.

A license shall be obtained for each dance held.

The licensee shall ensure that no child under age 17 not accompanied by parent or guardian shall be present.

The licensee shall ensure that the dance is discontinued and the public leave the premises before 1 o'clock a.m.

The licensee shall ensure that no alcohol beverages are sold or dispensed on the licensed premises.

A license may be revoked for a violation of this section and no new license shall be granted to the licensee for six months thereafter.

Any person who violates this section shall be required to forfeit not more than \$50.00, together with the cost of prosecution, and in default of payment shall be incarcerated in the County Jail until such forfeiture and cost are paid, not exceeding 30 days. (Ord 11, 1937)

Section 8.03 Fireworks, license

Definition. In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
- (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50
- (n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

Sale.

- (a) No person or entity may sell or possess with intent to sell fireworks without a seller's permit issued by the Village.
- (b) Only one seller's permit shall be issued and in effect at any one time.

(c) No person or entity with a seller's permit may sell or possess with intent to sell fireworks except:

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To a person holding a permit under sub. (3)(c);
To a city, village or town; or
For a purpose specified under sub. (3)(b)2. To 6.

(d) The fee for a seller's permit is \$400 per permit (Ord 222, 2000)

Use. (a) No person may possess or use fireworks without a user's permit from the president of the village or from an official or employe designated by the president. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (l) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c)1. To 5. Or under par. (c)6. If the display is open to the general public.

(b) Paragraph (a) does not apply to:

1. The village, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
2. The possession or use of explosives in accordance with rules or general orders of the department of commerce.
3. The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
4. The possession or use of explosive or combustible materials in any manufacturing process.
5. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
6. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
7. Except as provided in par. (bm), the possession of fireworks in the village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.

(bm) Paragraph (a) applies to a person transporting fireworks under par.(b)7. If, in the course of transporting the fireworks through a city, town or village, the person remains in the village for a period of at least 12 hours.

(c) A permit under this subsection may be issued only to the following:

1. A public authority.
2. A fair association.
3. An amusement park.
4. A park board.
5. A civic organization.
6. A group of resident or nonresident individuals.

7. An agricultural producer for the protection of crops from predatory birds or animals.

8.03 - 8.04

(d) A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

(e) An applicant shall furnish an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the village and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy together with a copy of the permit shall be filed in the office of the clerk of the village.

(f) A permit under this subsections shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date and location of permitted use.

(g) A copy of a permit under this subsection shall be given to the municipal fire or law enforcement official at least 2 days before the date of authorized use.

(h) A permit under this subsection may not be issued to a minor.

Section 8.04 Junk yards, permit required

No person or persons, association, partnership, firm or corporation shall keep or maintain in the Village a junk shop, junkyard or other place for deposit and keeping of old iron, brass or other metal, used motor vehicles or parts thereof, or other articles which, from their worn condition, are practically useless for the purpose for which they were made and which are commonly classed as junk, without first having obtained a permit to do so from the Village Board.

Any person desiring to keep and maintain such shop, yard or other place shall make application in writing to the Village Board, which application shall be filed with the Village clerk and shall be accompanied by a fee of twenty-five dollars. Such application shall be signed by the applicant and shall set forth the name and residence of the applicant, the correct and accurate description of the premises for which a permit is asked, a statement of the business to be carried on, and an enumeration as nearly as may be of the articles and merchandise to be handled therein. If the applicant is not the owner of the premises for which such permit is asked, such application shall

be accompanied by a signed statement of permission from said owner for such proposed use.

8.04 - 8.05

The Village Board shall, upon receiving such application and fee, issue a permit to keep and maintain such shop, yard or other place and the person receiving such permit may establish such shop, yard or other place and operate the same, at the location described in said permit, for the term of one year from the date thereof, but said permit may be canceled or revoked by the Village Board, upon proof of the permittee's having violated any of the ordinances of the Village or state or state statues, after due notice and hearing thereon.

Each of the premises upon which such shop, yard or other place, is kept or maintained shall be enclosed by a proper fence of other structure not less than eight feet in height and constructed so that no dust or other material may pass through the same. Said enclosure shall be maintained in good condition at all times. No article which is commonly classed as junk shall be kept by the holder of such permit without the limits of such enclosure, and no article shall be kept or piled within such enclosure in such manner that it protrudes above the same.

Section 8.05 Peddlers and solicitors, transient merchants, permit required

A "transient merchant" is one who, while present in the Village, sells or offers to sell merchandise directly to the ultimate user or consumer, or one who, while present in the Village, provides or offers to provide personal services directly to the ultimate user or consumer and who does not intend to become a permanent resident of the Village or who does not maintain a permanent place of business in the Village.

No person shall engage in any business as a transient merchant without a license authorizing him or her to do so, unless such business is first solicited by the ultimate user or consumer.

A person desiring to engage in any business as a transient merchant shall obtain a license therefor from the Village clerk. The applicant shall state in writing his or her name, address, nature of business, and shall provide proof of identification such as an operator's license or other evidence of identification of comparable authenticity. If the clerk is in doubt as to the authenticity of other identification, the opinion of the chief of police shall be obtained and shall be conclusive. The application for such license shall bear the signature of the applicant.

Upon written application, and proof of identification, and the payment of a fee of five dollars, a license shall be issued which shall be carried upon the person of the licensee and which shall be good for one week, except that it may be renewed weekly thereafter upon payment of one dollar.

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No transient merchant permit shall be required for any person who sells at any location approved by the Village Board as a common market area.

Section 8.06 Stockyard, permit required

No stockyard shall be erected and maintained in the Village within 1000 feet of the nearest residence or human habitation. No stockyard shall be erected without first obtaining a permit from the Village Board and the payment of a permit fee of \$10. Application for a permit shall describe the location of the proposed stockyard. A permit may only be granted on the condition that the stockyard shall be kept in reasonably clean and sanitary condition and not cause a public nuisance. (Ord 16, 1954)

Section 8.07 Room Tax

Definitions

"Hotel" and "Motel": As defined in Wisconsin Statutes section 77.52(2) (a) 1, and as such statute may hereafter be amended, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s.101.91(10) manufactured homes as defined in s.101.91(2), and recreational vehicles as defined in s. 340.01(48r), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual. In this paragraph "one month" means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of the rental.

"Transient" means a person or entity residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public, but excluding the federal government and persons listed under s. 77.54(9a), as now in force and as may hereafter be amended, said persons upon whom the tax may not be imposed are now listed in said section as follows:

(a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, and the Fox River Navigational System Authority.

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(b) Any county, city, village, town or school district in this state.

(c) A county-city hospital established under s. 66.0927.

(d) A sewerage commission organized under s. 281.43(4) or a metropolitan sewerage district organized under ss. 200.01 to 200.15 or 200.21 to 200.65.

(e) Any other unit of government in this state or any agency or instrumentality of one or more units of government in this state.

(em) Any joint local water authority created under s. 66.0823.

(f) Any corporation, community chest fund, foundation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, except hospital service insurance corporations under s. 613.80(2), no part of the net income of which inures to the benefit of any private stockholder, shareholder, member or corporation.

(g) A local exposition district under subch. II of ch. 229.

(h) A local cultural arts district under subch. V of ch. 229.

(i) A cemetery company or corporation described under section 501(c)(13) of the Internal Revenue Code, if the tangible personal property or taxable services are used exclusively by the cemetery company or corporation for the purposes of the company or corporation.

Tax imposed

Pursuant to the provisions of Wisconsin Statutes section 66.0615, and any amendments thereto, a tax is hereby imposed on the privilege and service of furnishing, at retail, rooms or lodging to transients by hotel keepers, motel operators, and other persons and entities furnishing accommodations available to the public, whether or not membership is required for the use of the accommodations. Such tax is at the rate of 3% of the gross receipts from such retail furnishing of rooms or lodging commencing with the first day of the first month following the adoption of this ordinance. This tax is not subject to the selective sales tax imposed by s. 77.52(2)(a)1.

Use of tax revenues

The Village shall spend at least 70% of the amount collected on tourism promotion and development, defined in section 66.0615, and as may be amended, as follows:

Any of the following that are significantly used by transient tourists and reasonably likely to generate paid overnight stays at the establishment(s) on which a tax under this section may be imposed:

- (a). Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups.
- (b). Transient tourist informational services.
- (c). Tangible municipal development, including a convention center.

8.07

Report and payment of tax; penalty for late payment; form of report

The tax owed shall be reported and paid in quarterly installments, with the report and tax owed for the first quarter of the year due by April 30, the report and tax owed for the second quarter of the year due by July 30, the report and tax owed for the third quarter of the year due by October 30, and the report and tax owed for the fourth quarter of the year due by January 30.

Any tax not paid when due shall bear 12% interest from the due date until actually paid.

The report shall be filed with the Village Treasurer and shall be in substantially the following form:

REPORT OF ROOM TAX

For the period beginning _____ and ending _____

THIS TAX RETURN IS CONFIDENTIAL INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION

- | | | |
|--|-------------------|----|
| 1. Gross receipts from furnishing rooms and lodging for this period: | \$ _____ | 1. |
| 2. Less: gross receipts from tax-exempt sales for this period: | - \$ _____ | 2. |
| 3. | Subtotal:\$ _____ | 3. |
| 4. Less: credit card charges on non-exempt sales for this period: | - \$ _____ | 4. |
| 5. | Subtotal:\$ _____ | 5. |
| 6. Gross tax (line 5 X 0.03): | \$ _____ | 6. |
| 7. Less: any estimated tax paid for this period: | - \$ _____ | 7. |
| 8. Balance of tax owed for this period: | \$ _____ | 8. |

I hereby declare all information given above is true and correct to the best of my knowledge:

Owner's name:

Owner's address:

Owner's signature and date:

_____ Date: _____

Exchange of Information with Department of Revenue; audits; confidentiality

8.07

The Village may exchange audit and other information with the Wisconsin Department of Revenue, and may require hotelkeepers, motel operators, and other persons furnishing accommodations to report the amount collected for such rooms, lodging or accommodations, and upon failure to file a report the Village may make an assessment of the tax based upon the best information available to the Village, and all information obtained by the Village, including the reports filed by hotelkeepers, motel operators, and other persons furnishing accommodations, shall be kept confidential and shall not be used for any purpose but the administration and collection of such tax.

Delinquent tax a lien on property

Any tax remaining unpaid by October, together with interest, and a penalty of 25% of the tax, shall be assessed against the real estate where such rooms, lodging or accommodations are situated, as a special tax. (Ord. 061208)

Section 8.08 Fire Protection Charges

(1) PURPOSE.

The purpose of this ordinance is to authorize the Village of Readstown to recover certain costs associated with fire protection within the Village of Readstown, Vernon County, Wisconsin.

(2) AUTHORITY.

The Village Board of the Village of Readstown has authority under its home rule authority and Wis. Stat. sec. 61.34(1) to adopt this ordinance.

(3) LIABILITY FOR COSTS OF FIRE CALLS FROM FIRE DEPARTMENTS OTHER THAN AUTHORIZED FIRE DEPARTMENT.

It is the policy of the Village of Readstown to provide fire protection through the Village of Readstown Fire Department ("Authorized Fire Department"), a department consisting exclusively of volunteers. Any person requesting fire protection directly from any other fire department shall be responsible for the full costs of such protection. This section does not apply to the costs of any other department responding at the request of the Authorized Fire Department under a mutual aid agreement.

(4) FEES/COSTS FOR CALLS

Any person requesting fire protection shall pay the following fee to the Village of Readstown as provided under s. (6).

(a) Fire call: \$500.00 minimum

(b) Hourly charge: \$10.00 per hour per firefighter responding to a call will be charged after the first hour from the time of the call.

(5) RESPONSIBILITY FOR FEES.

If the fire call is to real property located within the Village, the charges shall be imposed on all owners of the real estate to which the particular fire call is made and liability for payment of same shall be joint and several. In the event that a fire call is not made to real property located within the Village, but is instead made to a vehicle located on a public road within the Village or other personal property located within the Village, the charges provided for under this ordinance shall be imposed on all owners of the personal property.

(6) BILLING AND PAYMENT PROCEDURE.

The costs of fire calls as provided in this ordinance shall be billed by the Village Clerk to the property owner and paid in full to the Village Treasurer no later than 60 days after the date of the bill. The failure to pay the bill within 60 days will result in the bill being deemed delinquent unless otherwise approved by the Village Board. The Village shall charge interest at the rate of one and one-half percent (1.5%) per month, or any part thereof, from the date that the bill is deemed delinquent until paid in full. Those bills and accrued interest that relate to real property and that have been outstanding for more than 60 days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Wis. Stat. sec. 66.0627.

(7) BILLING AND PAYMENT PROCEDURE (STATE AND FEDERAL HIGHWAY CALLS)

The costs of fire calls on state and federal highways shall be billed as provided under Wis. Stat. sec. 61.65(8).

(8) SEVERABILITY.

If any part of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Title 9
(Reserved)

Title 10
Construction and Buildings

Sections:

- 10.01 Building permits
- 10.02 One- and two-family dwelling code
- 10.03 Uniform numbering of property
- 10.04 Driveways
- 10.05 Demolition or Removal of Buildings and Structures

Section 10.01 Building permits

A building permit shall be required for any structure; for any alteration of a structure; and for any excavation, asphalt, or concrete work; except for "minor repairs" as defined herein. (Ord No 144, 1987; Ord. No. 041207)

A building permit shall be required for manufactured additions/buildings, any size utility shed and/or gazebo, extensive remodeling and anything that increases assessment.

Items to be omitted from building permit requirement are as follows;
Roof maintenance, insulation, replacement windows of the same size.
Exclusionary value; any project with a value of up to \$500 no building permit is required. (Ord. No. 041207)

"Minor repairs" means repair performed for maintenance or replacement purposes on an existing structure which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

The Village Building Inspector shall issue a building permit upon application therefor and payment of the fee, which permit shall be substantially in the following form. (Ord 144, 1987; Ord. No. 041207)

Building permit expiration date. A building permit shall be issued with an expiration date not to exceed one year. (Ord. No. 041207)

The provisions of this section are in addition to and not in lieu of the requirements established under Section 10.02 of this Code and any other law or administrative regulation governing building permits including, but not limited to, the Commercial Building Code of the State of Wisconsin.

THIS CERTIFIES THAT A
BUILDING PERMIT

HAS BEEN ISSUED TO _____
FOR _____ ON LOT _____ BLOCK _____
ADDITION : _____ IN THE VILLAGE
OR REPLAT OF READSTOWN

Village President Date: _____

Village Clerk Date: _____

POST ON PREMISES IN PLAIN VIEW

Section 10.02 One- and two-family dwelling code

TITLE. This section shall be known as the one- and two-family dwelling code of the Village of Readstown.

PURPOSE. The purpose and intent of this section is to:

- (a) Exercise jurisdiction over the construction and inspection of new one- and two-family dwellings and additions to existing one- and two-family dwellings;
- (b) Provide plan review and on-site inspections of one- and two-family dwellings;
- (c) Establish and collect fees to defray administrative and enforcement costs;
- (d) Promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code; and
- (e) Establish remedies and penalties for violations.

STATE UNIFORM DWELLING CODE ADOPTED. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in sections Comm. 20-25 of the Wisconsin Administrative Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this section. Any further amendments, revisions, or modifications of the administrative code provisions incorporated herein are intended to be made part of this section to secure uniform statewide regulation of one- and two-family dwellings in the Village of Readstown. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk's office.

DEFINITIONS.

ADDITION. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

ALTERATION. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

DEPARTMENT. "Department" means the Department of Commerce.

DWELLING. "Dwelling" means:

(a) Any building, the initial construction of which is commenced on or after the effective date of this section which contains one or two dwelling units, or

(b) an existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling,

(c) modular or manufactured homes used or intended to be used as a one- or two-family dwelling.

MINOR REPAIR. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, or plumbing, heating or air conditioning and which does not increase a given occupancy and use and is under \$500.. No building permit is required for work to be performed which is deemed minor repair.

ONE- OR TWO-FAMILY DWELLING. "A one- or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.

PERSON. "Person" means an individual, partnership, firm or corporation.

UNIFORM DWELLING CODE. "Uniform Dwelling Code: means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in the following section of the Wisconsin Administrative Code:

Wis. Adm. Code section Comm. 20 - Administration and Enforcement

Wis. Adm. Code section Comm. 21 - Construction Standards

Wis. Adm. Code section Comm. 22 - Energy Conservation Standards

Wis. Adm. Code section Comm. 23 - Heating, Ventilating and Air conditioning Standards

Wis. Adm. Code section Comm. 24 - Electrical Standards

Wis. Adm. Code section Comm. 25 - Plumbing and potable water Standards

10.02

METHOD OF ENFORCEMENT. For the purpose of administering and enforcing the provisions of this section and the Uniform Dwelling Code, the Village shall establish the office of Building Inspector, to be filled by the method described in this section.

BUILDING INSPECTOR.

Creation and Appointment. There is hereby created the position of Building Inspector, who shall administer and enforce this Section and shall be certified by the Division of Safety & Buildings, as specified by Wis. Stat. sec. 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Either the Building Inspector or one or more of his or her assistants, if any, shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

Powers.

The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or the Building Inspector's agent while in the performance of his or her duties.

Records.

The Building Inspector shall perform all administrative tasks required by the department under the Uniform Dwelling Code.

BUILDING PERMITS REQUIRED.

No one- or two- family dwelling on which construction commenced or on which construction will commence after June 1, 1980, shall be built, enlarged, altered, or repaired unless a building permit for that work shall first be obtained by the owner, or his or her agent, from the Building Inspector. Application for a building permit shall be made in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department.

If a person alters a building in excess of \$500.00 value in any twelve month period, adds onto a building in excess of \$500.00 in any twelve month period, or builds or installs a new building, within the scope of this ordinance, he or she shall first obtain a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code-compliant

condition as determined by the Building Inspector is exempted from permit requirements as are minor repairs.

Submission of Plans.

The applicant shall submit plans as required by the Building Inspector for all new or repairs or additions to existing one- and two-family dwellings to which this section applies at the time that the building permit application is filed.

Issuance of Permit.

If the Building Inspector finds that the proposed building complies with all Village ordinances and the Uniform Dwelling Code, the Building Inspector shall officially approve the application and a building permit shall be subsequently issued to the applicant. The issued building permit shall be posted in a conspicuous place at the building site. A copy of any issued building permit shall be kept on file with the Building Inspector.

FEES FOR BUILDING PERMITS AND INSPECTIONS.

At the time the application for a building permit is filed, the applicant shall pay fees to be determined from time to time by resolution of the Village Board. Such fees, once established, shall be on file with the Village Clerk. Building permit fees shall include the UDC permit seal fee to be forwarded to the Department.

VIOLATION AND PENALTIES.

No person shall erect, use, occupy or maintain any one- or two-family dwelling in violation of any provision of this section or the Uniform Dwelling Code or cause or permit any such violation to be committed. Any person violating any of the provisions of this section shall, upon conviction, forfeit not less than \$25 nor more than \$1000, together with the costs of prosecution, and in default of payment shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days.

If an inspection reveals a noncompliance with this section or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted on grounds allowed under the applicable administrative code provision.

If, after written notification, the violation is not corrected, a stop work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

Each day each violation continues after the 30 days written notice period has run shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this section or the Uniform Dwelling Code.

If any construction or work governed by the provision of this section or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

APPEAL TO BOARD OF APPEALS.

Any person aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

10.02-10.03

LIABILITY FOR DAMAGES.

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

SEVERABILITY.

In any section, clause, provision or portion of this section or Wisconsin Administrative Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected. (Ord 115, 1980)

Section 10.03 Uniform numbering of property

A uniform system of numbering properties and principal buildings, as shown on the map identified as "Readstown Properties and Buildings Numbering", or similar identification, to be filed in the office of the Clerk, is hereby adopted for use in the Village. Said map and the explanatory matter thereon, is adopted and made a part of this section by reference.

All properties or parcels of land with boundaries in the Village shall hereafter be identified by reference to the uniform numbering system adopted herein, provided: all existing numbers of property and buildings not now in conformity with provisions of this section shall be changed to conform to the system herein adopted within six months from the date of passage of this section.

The division for East/West shall be Fourth Street (Highway 131), and the division for North/South shall be Charles Street.

Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the road on which the property is located.

The Village Clerk shall be responsible for maintaining the numbering system.

The Village Clerk shall keep a record of all numbers assigned under this section.

The Village Clerk shall issue to any property owner in the Village, upon request, a set of numerals for each principal building or separate front entrance to such building. In so doing, the Clerk shall issue only numerals for the number assigned to such building under the provisions of this section; provided, however, that the Clerk may issue additional numerals whenever a property has been subdivided, or vandalism to the numerals has occurred. (Ord 187, 1996)

10.04

10.04 Driveways

(1) TITLE/PURPOSE.

The purpose of the ordinance is to regulate the location and construction of any private driveway/private access road that will intersect any public street in the Village.

(2) DEFINITIONS.

(a) "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public street, and will provide service to a residence, business, recreational site, or other similarly appropriate use.

(b) "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Village.

(3) COVERAGE

0

(a) No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any Village or other street or street right-of way in the Village without first obtaining a Driveway Permit to be issued by the Village Board.

(b) No person shall establish or construct a driveway or reconstruct, reroute, or alter any street access onto a Village street without first obtaining a Village Street Access Permit to be issued by the Village Board.

(4) SPECIFICATIONS

Commencing six (6) months after the effective date of this Ordinance for existing driveways and commencing on the effective date of this ordinance for new driveways being constructed, all driveways in the Village for which a Driveway Permit is required under Section (3) shall meet all of the following minimum requirements. The standards shall apply to the entire length of any driveway serving residences and or/businesses whether any such driveway is located on the property

served by the driveway or is an easement over the property of another for access or egress purposes or both. No permit shall be issued unless the materials submitted as required under Sections (5) and (6) demonstrate compliance with the requirements of this section:

- (a) The driveway shall have a minimum traveled way width of 14 feet.
- (b) The driveway shall have a minimum width clearance of 34 feet.
- (c) The driveway shall have a minimum height clearance of 15 feet.
- (d) The maximum grade of the driveway shall be 11%.

- (e) There shall be a circle drive or cul de sac at the end of the driveway that does not connect to a public Street of a minimum radius of 60 feet to permit turn around for emergency vehicles. The circle drive or cul de sac shall consist of a minimum width 30 feet of hard surface within the 60 foot clearance.
- (f) The roadbed shall consist of 6 inches of 2-3" breaker rock (sometimes referred to as "minus") covered with 6 inches of $\frac{3}{4}$ " gravel.
- (g) Steel culverts of a length and width to be determined by the Village Board as necessary.
- (h) Erosion control measures to be determined by the Village Board as necessary.
- (i) Bridges to be determined by the Village Board as necessary.

(5) APPLICATION/PERMIT PROVISIONS AND PROCEDURES

- (a) The Village Board shall approve a form for application for both the Driveway Permit and the Street Access Permit, which shall be available from the Village Clerk.
- (b) The applicant for a Driveway Permit or a Street Access Permit shall submit to the Village Clerk a completed application for each with the appropriate fee and with the following attachments:
 - (i) Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the Village Board prior to the preparation or submission of the other supporting documents in order for the Village Board to provide initial comments and review of the proposal. However, formal approval for a Driveway Permit or Street Access Permit will not be granted without the submission of complete supporting documents.
 - (ii) Plat Map. A plat map indicating the location and dimensions of the desired driveway and street access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the Village Board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.
 - (iii) Soil/Slope Analysis.

- (iv) Other Documents. The Village Board may require other documents to be attached to the Driveway Permit Application, including a Street Access Permit.

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- (c) Procedures for the evaluation of the Driveway Permit Application and any required Street Access Permit Application by the Village Board are as follows:
 - (i) Upon receipt of the application materials described in s. (2), the Village President or his or her designee will inspect the site of the proposed driveway. The applicant will receive notice, either verbally or in writing of any such inspection.
 - (ii) Subsequent to inspection, the Village Board will act on the application. The applicant will receive notice, either verbally or in writing of any meeting at which action on the application may be taken.
- (d) The Village Board shall approve or deny any Driveway Permit Application or Street Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Driveway Permit Application or Street Access Permit Application may include, but are not limited to:
 - (i) The inconsistency or nonconformance of the proposed driveway or Street access with this ordinance, with any existing Village comprehensive plan, master plan, or land use plan, with Village ordinances, rules, regulations, or plans, or any applicable state, or federal laws, ordinances, rules, regulations, or plans.
 - (ii) The driveway, bridge, culvert, or street access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the Village.
 - (iii) The application as filed and submitted is incomplete or contains false material as determined by the Village Board.
 - (iv) Alternative driveway locations, bridges, culverts, and street access locations will be safer for persons for motor vehicle ingress or egress on the driveway and access point.

- (v) Alternative driveway locations or alternative access street locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Village, including land adjacent or near the proposed driveway.

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- (vi) The driveway will not provide timely and adequate ingress and egress for emergency vehicles.
- (e) In the event of a denial of a Driveway Permit Application or Street Access Permit Application, the Village Board shall recite in writing the particular facts upon which it bases its denial of the permit. The Village Board shall also afford the applicant an opportunity to request that the Village Board review the decision. After posting or publication of a Class 1 Notice of the hearing, the applicant may present evidence at the public hearing to the Village Board refuting the Board's initial determination. Thereafter, the Village Board may affirm, reverse or modify its decision. The Village Board shall recite in writing findings for any decision to modify or reverse its initial determination.
- (f) If the Village Board denies two consecutive applications for a Driveway Permit or denies two consecutive applications for a Street Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within twelve (12) months of the second denial of either.
- (g) Both the Driveway Permit and the Street Access Permit are effective for twelve (12) months from the date of issuance. Each permit shall expire after twelve (12) months unless renewed.
- (h) Each permit may be renewed for one (1) additional period of 6 months. If the driveway or street access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.
- (i) The applicant shall notify the Village Clerk within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or street access. Within 30 days of notification, the Village will conduct an inspection of the driveway or street access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a

determination of completeness and compliance, the Village Board shall issue the appropriate permits.

(j) No building permit for any construction of buildings or structures will be issued by any Village official or agent until the driveway or street access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.

(k) An application fee that is non-refundable in an amount determined from time to time by resolution of the Village Board will be charged for each permit application. The initial fees are specified as follows:

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(i) For a driveway permit, the fee shall be \$50.00.

(ii) For a street access permit, the fee shall be \$50.00.

(l) The Village Board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. Stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles or vehicles of the general public.

(6) STREET ACCESS PERMIT

(a) A street access permit is required for all sections of any proposed driveway by the applicant that will enter onto a Village Street. The private driveway must be designed and constructed in such a way that it will not cause any damage to the Village street nor create any hazard to the public as they travel on the Village street.

(b) In order to meet this requirement, the Village Board will determine, upon application, (based on the specific location), in addition to the requirements set forth above for all driveways:

(i) Whether or not a culvert is required and, if so, the minimum diameter and the length of the culvert.

(ii) The angle and slope of the intersecting portion of the driveway and whether any erosion control devices must be installed at or near the intersection in order to minimize damage to the street.

(iii) That there is a minimum traveled roadway width at the intersection with the driveway of 20 feet, with a minimum width clearance of 24 feet.

- (iv) The driveway within the area of the public right-of-way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. The angle of any intersection of a Village street and driveway shall be no less than 90 degrees for a horizontal distance of 50 ft. from the intersection as measured from the edge of the roadway. Any variance from these requirements must have prior approval from the Village Board.
- (c) The applicant must agree to comply fully with Sections. 66.0425 and 86.07 Wis. Stats, regarding correction of damage to public roads.

(7) GENERAL PROVISIONS

- (a) The Village Board shall, when applicable, may consult with and seek review and comment from the local fire chief, EMS provider, Village engineer or other officials or their deputies, regarding the proposed driveway and/or street access and whether the proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premise.
- (b) The preparation of a driveway construction plan or a Street access plan does not guarantee the approval of a Driveway Construction Permit or Street Access Permit by the Village Board.
- (c) As a condition of any Driveway Permit and any Street Access Permit, the driveway and street access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.
- (d) The approval of a Driveway Permit or Street Access Permit application by the Village Board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this section. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or street access location is fit or safe for any purpose or that they are in compliance with the ordinance or any state or federal laws or ordinances.
- (e) The approval of the Driveway Permit or Street Access Permit application does not establish or commit the Village to future approval of any driveway unless the driveway and/or street access is actually constructed in accordance with the terms of the relevant permit(s) and this ordinance.

(8) PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Village Board may seek injunctive relief to enjoin further violations.

(9) SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

Section 10.05 Demolition or Removal of Buildings and Structures

Whenever a building or structure is demolished or removed, the premises shall be restored and maintained free from all debris and unsafe or hazardous conditions. For purposes of this ordinance, "structure" includes detached garages, storage buildings, sheds, mobile homes and manufactured homes that are greater than 100 square feet in size.

(A) **Time Limitation.** No demolition project and no hole or open basement foundation established for the purpose of removing a building or other structure shall continue or shall remain open for more than thirty (30) days from the date the demolition project is commenced or the hole or open basement foundation is established. Prior to the end of the thirty (30) day time frame, for demolition projects, the demolition project shall be completed, including removal of all demolition materials from the site. Where any hole or open basement foundation is created or established, a building shall be placed upon the hole or open basement foundation site, or the hole shall be filled or open basement foundation site shall be removed and the site restored to grade.

(B) **Time Limitation Expiration.** In the event the demolition materials are not removed or the hole or open basement foundation is not covered with a building as provided herein, then the Village shall provide written notice to the owner of the land that pursuant to the police powers of the Village if the demolition is not completed, including removal of demolition materials, or the open hole or open basement foundation is not covered with a building within thirty (30) days of the date of the notice, then the Village, at the Village's discretion, may complete the demolition project or fill any hole or remove any basement foundation and restore the site to grade. Any costs incurred by the Village's action as set forth herein shall be billed to the owner of the property and placed as a special charge against the property.

(C) **Protective Fences.** All sites which have either a hole or basement located on the lot for the purpose of moving a building from the site shall have a protective fence surrounding the hole or basement foundation. The protective fence shall be at least four (4) feet tall and shall not allow for a six (6) inch sphere to pass through the fence. The fence shall be in good condition and shall prevent entry onto the hole site. The protective fence as described herein shall remain at the site during all times the hole or basement foundation remains open. However, no protective fence shall be

allowed for a period of time to exceed thirty (30) days from the date the hole or open basement foundation is established.

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(D) **Permit.** Prior to commencing any demolition project, the owner of the structure or the owner of the property on which the building or other structure is located shall apply for and obtain a demolition permit from the Village Clerk. At the time of application, the owner shall pay a fee of \$5.00 for the permit which shall be valid only for the dates specified on the permit. If the demolition project is not completed within the time specified in the permit, the owner shall be required to obtain an additional permit and shall pay an additional fee. Nothing in this section shall be construed as permitting any owner to extend a demolition project for more than thirty (30) days from the date of the commencement of the project as provided in sec. (A).

(E) **Penalty.** The penalty for violation of this section shall be a forfeiture of not less than \$20 nor more than \$100, together with the costs of prosecution. Each day any such violation continues shall constitute a separate offense. (Ord. No. 071411)

Title 11
(Reserved)

Title 12
Health and Safety

Sections:

- 12.01 Closing parks and other public places
- 12.02 Depositing refuse in streets and public places
- 12.03 Garbage and refuse disposal
- 12.04 Motor homes not to be used for residences; connecting motor homes, boats, recreational vehicles to utilities
- 12.05 Open burning
- 12.06 Sex offenders' locations
- 12.07 Waste receptacles required
- 12.08 Weeds
- 12.09 Jumping or Swimming from Bridges
- 12.10 Solid Fuel-fired Outdoor Heating Devices
- 12.11 Smoking Prohibited.
- 12.12 Fire Code and Inspections

Section 12.01 Closing parks and other public places.

The Village President is authorized to close a public park or other public place, or portion thereof, to the public, whenever the President deems it appropriate to do so in order to prevent damage to the public park or other public place because of flooding or for any other reason.

Whenever the President orders the closing of any part of a public place, signs or barricades shall be erected, and any person who goes onto any public place contrary to such sign or barricade shall be required to forfeit \$100.00 together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs shall have been paid, but not exceeding 30 days. (Ord No 225, 2000)

Section 12.02 Depositing refuse in streets and public places

(a) No person shall place any garbage, refuse, manure, dead animals or birds, vegetables, tin cans, glass, nails, or other refuse of any kind or nature upon any street, alley, or public place within the Village.

(b) No person shall cause any grass or other vegetation to be on any street, alley, or public place within the Village which constitutes a hazard to travel, or a deleterious effect upon the Village sanitary or storm water sewer systems, or causes flooding.

(c) Any person who violates this section shall forfeit not to exceed \$25 together with the costs of prosecution and in default of payment shall be imprisoned in the County jail not exceeding 30 days. (Ord 071207; Ord No 3, 1936)

Section 12.03 Garbage and refuse disposal

Definitions. "Garbage" means all organic matter including matter used in the preparation of food, but does not include grass, leaves, or the parts of trees and shrubs. "Refuse" means all material intended to be disposed of, including trash, whether glass, metal, plastic, paper, or other material, but does not include garbage, grass, leaves, or the parts of trees and shrubs, "demolition material" as defined herein, nor does it include stoves, ovens, refrigerators, furniture, bicycles, or television sets. "Demolition material" means all material resulting from the demolition of any building or other structure including sidewalks.

Collection of garbage and refuse. The Village shall collect, or cause to be collected, garbage and refuse when placed in special bags to be furnished by the Village and placed on the boulevard between the hours of 8:00 o'clock p.m. the day before, and 8:00 o'clock a.m. the day of collections, such days of collection to be designated by the Village.

The Village shall furnish bags with a distinct name or mark upon the bags. The charge for garbage and refuse removal shall be set by resolution and shall be paid in advance. The bag furnished shall constitute a receipt and shall be proof that the special charge has been paid. The bags shall be tied or sealed by residents when placed in use and shall be able to be lifted without breaking open because of the weight and character of the contents. Such bags shall be used only for garbage and refuse removal.

The Village shall not be required to remove garbage and refuse from dumpsters and may, by resolution, require such removal to be done by contract with an independent hauler and the individual owner of the dumpster.

Recyclable refuse. The Village may from time to time by resolution classify refuse into categories of re-cyclable refuse, the more common classifications being glass, metal, plastic and paper.

Re-cyclable refuse shall be placed in special containers which may only be purchased from the village at a cost to be set by resolution. The Village shall collect such re-cyclable refuse when placed in such containers separate from such special bags, and placed on the boulevard at such times as may be designated by the Village for collection. Re-cyclable refuse will be collected from these special containers only. Preparation of re-cyclable refuse shall be according to directions in any bulletin which shall be promulgated by the Village.

Disposal of demolition material. The Village may accept demolition material originating in the Village at such cost as the Village may set by resolution. The director

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of public works may refuse acceptance of demolition material unless it is segregated into groups which can be further disposed of by the Village.

Other disposal prohibited.No person shall place any garbage, refuse, demolition material or any other material upon any boulevard, street, sidewalk, alley or other public way, or upon the property in the possession of another without the possessor's consent, except as provided in this section.

No person shall accumulate garbage or refuse outside of any building unless it is placed in a metal or plastic container which is securely closed.

No person who is not a resident of the Village shall transport any garbage, refuse, or demolition material within the Village with the intent to dispose of it within the Village, except by contract with the Village.

Any person who violates this section shall be required to forfeit not less than \$50.00 nor more than \$200.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation of this section continues shall constitute a separate offense. A continued violation of this section constitutes a public nuisance. (Ord 158, 1990)

Section 12.04 Motor homes not to be used for residences; connecting motor homes, boats, recreational vehicles to utilities

No person shall use a motor home (as defined in Section 340.01(33M), Wis. Stats., recreational vehicle or boat, for any of the following purposes or uses:

As a dwelling, except overnight sleeping for not more than fourteen (14) days in any one calendar year.

As storage of goods, materials, or equipment other than those items considered to be part thereof or essential for its use.

No motor home, recreational vehicle, or boat shall be permanently connected to sewer lines, water lines or electricity, except it may be connected to electricity temporarily for charging batteries or for other similar temporary purposes. (Ord No. 228, 200__)

Section 12.05 Open burning

1: "Open burning" defined. "Open burning" means kindling or maintaining any fire outside of any residence or other building.

2: Permit required. No person shall kindle or maintain any open burning without a permit from the Fire Chief or Chief's designee, issued for the type of burning authorized herein, except the following shall be allowed without a permit:

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(A) Outdoor cooking:

(B) Campfires;

(C) Training for fire department personnel;

(D) Burning leaves, although burning leaves is prohibited on Village Right of Way (sidewalks, curbs & streets).

3: Open burning for which a permit may be issued by the Fire Chief or Chief's designee. A permit may be issued upon written application, due yearly, at a time and place to be determined by the Fire Department, and on the following conditions:

(A) The size of the pile of material to be burned shall not exceed 4 feet by 4 feet by 3 feet high.

(B) The location of the open burning shall be approved by the Fire Chief or Chief's designee, and either the pile of material being burned shall be at least 50 feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within 50 feet of such items; or the fire shall be contained in a burner, with a lid, grate, proper ventilation, and placed on cement blocks or bricks. Inspection of the burner will be done by the Fire Chief or Chief's designee. The burner shall be located at least 15 feet from any structure, wood or lumber pile, wooden fence, tree or bush.

(C) Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

(D) Material for open burning may not include rubbish, garbage, trash, carpeting, or any material made of, or coated with, rubber, plastic, leather or petroleum based materials, and may not contain any flammable or combustible liquids.

(E) Open burning shall be constantly attended and supervised by a competent person until such fire is extinguished; this person shall have readily available for use fire extinguishing equipment deemed necessary by the Fire Chief or Chief's designee.

(F) Open burning shall be permitted only from 7:00 AM to 7:00 PM, or as permitted by the Fire Chief or Chief's designee.

(G) Burn barrels are prohibited and no permit may be issued for the use of burn barrels in the Village.

4: Penalty. Any person who violates any provision of this ordinance, or burns material not permitted therein, or fails to comply with any provisions of a permit, the violator shall be required to forfeit not less than \$100 nor more than \$200, together with the costs of prosecution, and all burning privileges will be revoked for the household. In default of payment of such forfeiture and costs, the party shall be imprisoned in the county jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No 230, 200__)

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Section 12.06 Sex offenders' locations

A person, firm, corporation or entity must notify the Village Police at least 30 days prior to making placement of any convicted sex offender in the Village.

The Village Police shall notify the Village Board of such placement before placement is made.

Placement of any convicted sex offender within 1000 yards of any established daycare is prohibited.

Any person, firm, corporation or entity who violates this section shall be required to forfeit \$500 for each day a violation continues, together with the cost of prosecution and in default of payment shall be imprisoned in the County jail until such forfeiture and cost are paid, not exceeding 30 days. (Ord No. 233, 2001)

Section 12.07 Waste receptacles required

Any person who regularly has at least two yards of garbage per week for disposal by the Village shall place such garbage in a waste receptacle commonly known as a "dumpster" which is suitable for such purpose.

All garbage to be removed by the Village shall be placed at a location where it is accessible to the motor vehicle used for removal of garbage.

No person shall dispose of any garbage in any manner which is a violation of this section. (Ord 156, 1989)

Section 12.08 Weeds

Every person shall destroy any noxious weeds upon land owned, occupied or controlled by said person. "Noxious weeds" means and includes those weeds defined as such in the Wisconsin Statutes, and all grasses over 8 inches in height.

If any person fails to destroy noxious weeds within 5 days of written notice from the weed commissioner, or other person designated by the Village Board, to the occupant (and to the owner, if different than the occupant) to destroy said weeds, the weed commissioner shall destroy or cause such weeds to be destroyed, in the manner deemed to be the most economical method, and the cost thereof shall be assessed against the property (or in the case of boulevards or street rights of way, against the abutting property); the commissioner shall file with the Village Clerk an account showing the amount chargeable to each piece of land, and the Clerk shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "For the Destruction of Weeds", as a tax on the lands upon which, or abutting which, the weeds were destroyed.

A weed commissioner may enter upon any lands that are not exempt under section 66.0407(5), Wisconsin Statutes, and cut or otherwise destroy noxious weeds without being liable to an action for trespass or any other action for damages resulting from the entry and destruction, if reasonable care is exercised. (Ord 162, 1991)

Section 12.09 Jumping or Swimming from Bridges

(a) No person shall jump from a bridge or swim from a bridge.

(b) No parent or other legal guardian of a minor shall, after first receiving notice that the minor violated this ordinance, allow the minor to commit a second or subsequent violation of this ordinance.

(c) Any person who violates this ordinance shall forfeit not to exceed \$25 together with the costs of prosecution; and in default of payment if an adult shall be imprisoned in the County jail not exceeding 30 days. (Ord 080907)

Section 12.10 Solid fuel-fired outdoor heating devices

Definition. "Solid fuel-fired outdoor heating device" means an outdoor device designed or constructed for solid fuel combustion so that the heat produced is transferred or conveyed to the interior of one or more buildings.

Installation after October 1 2007 Prohibited. The installation or construction of a solid fuel-fired outdoor heating device within the Village is prohibited after October 1, 2007.

Penalty. Any person who violates any provision of this chapter shall be required to forfeit not less than \$50 nor more than \$200 together with the costs of prosecution, and in default of payment shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation continues shall constitute a separate offense. The Village and any resident may enjoin a violation or threatened violation of this chapter. (Ordinance 091307)

Section 12.11 Smoking Prohibited.

(a) ADOPTION OF STATE LAW. The Village adopts the provisions of s. 101.123, Wis. Stats., regulating smoking except as otherwise provided in village ordinance provisions not in conflict with s. 101.123, Wis. Stats., or other state statutes or administrative rules.

(b) DEFINITION. For purposes of enforcing the smoking ban in the Village of Readstown, the following definition shall apply instead of the definition found in state statutes. In this section:

"Enclosed place" means all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.

(c) INSPECTION AND ENFORCEMENT. The Police Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to Wis. Stat. §101.123.

(d) PENALTIES. (1) Any person violating this ordinance incorporating the state prohibition against smoking in enclosed places or upon those unenclosed spaces identified in s. 101.123(d) and (e), Wis. Stats., shall be subject to a forfeiture of not less than \$100 nor more than \$250, and upon failure to pay the forfeiture, may be subject to confinement in the county jail.

(2) Any person in charge of property as defined in s. 101.123(1)(d) Wis. Stats., who violates the provisions of this ordinance incorporating s. 101.123(2m)(b) to (d), Wis. Stats., shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail. No person may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.

(e) SEVERABILITY. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. : (Ord 081210.1)

Section 12.12 Fire Code and Inspections

(1) FIRE CODE ADOPTION

(a) The Village of Readstown adopts by reference Chapters COMM 14 and COMM 30 of the Wisconsin Administrative Code, and National Fire Protection Association 1 Uniform Fire Code and documents adopted by Chapter 2 thereof as if fully set forth herein as the Fire Code of the Village as referred to therein.

(b) The Fire Code shall be enforced by the Chief of the Fire Department and such personnel as he or she may designate. The Chief of the Fire Department or his or her designee is hereby authorized to issue citations for violations of the Municipal Code which are directly related to their official responsibilities.

(c) The Chief of the Fire Department may grant a variance to the provisions of the Fire Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the strict letter of the Code, provided the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

(d) Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department as provided under Chapter 68, Wisconsin Statutes, within thirty (30) days from the date of the decision of the appeal.

(2) FIRE INSPECTOR

(a) Chief as Fire Inspector. Pursuant to Wis. Stat. sec. 101.14, the Fire Chief shall hold the office of the fire inspector and fulfill the duties of such position, with power to appoint one or more deputy fire inspectors as is deemed necessary who shall perform the same duties and have the same powers as the fire inspector.

(b) Compliance with the Department of Safety and Professional Services. The fire inspector shall comply with State Department of Safety and Professional Services regulations.

(c) Notice of Fire Hazard. Whenever in the Village of Readstown any inspection by the Fire Chief or deputies reveals a fire hazard, the Chief or deputies shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. If the property owner believes that time allowed is unreasonable, he or she may appeal to the Village Board. If the fire hazard is not removed within the time allowed, the Chief or designee may have the same removed by the Department, and the cost of such removal shall be placed on the tax roll as a special charge.

(d) Written Records of Inspections. The Chief shall keep a written record of each property inspected which shall conform to the requirements of the State Department of Safety and Professional Services and shall make the quarterly report of inspections required by the State Department of Safety and Professional Services.

(e) Free Access to Property. No person shall deny the Chief or designee free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of duty or refuse to observe any lawful direction given.

(3) PENALTIES

Any person violating this section shall be subject to a forfeiture of \$100, plus statutory costs, for the first offense; \$250, plus statutory costs for the second offense occurring in a 12-month period of time. (Ord No 090811)

12.13 Purchase or possession of cigarettes or tobacco products by person under age 18

(a) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette or tobacco product. Any person who violates this subsection shall be required to forfeit not more than \$100.00.

(b) No person under 18 years of age may purchase, attempt to purchase or possess any cigarette or tobacco product except as follows:

(i) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working

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hours if employed by a retailer.

(ii) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation under Wis. Statutes s. 254.916 that is conducted in accordance with Wis. Statutes s. 254.916(3). Any person who violates this subsection shall be required to forfeit not more than \$100.00.

(c) No person may purchase cigarettes on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:

(i) Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

(ii) Required to forfeit not more than \$1,000 if the person has committed 2 previous violations within 30 months of the violation.

(iii) Required to forfeit not more than \$2,000 if the person has committed 3 or more previous violations within 30 months of the violation.

(d) A law enforcement officer shall seize any cigarette or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

Title 13
(Reserved)

Title 14
Offenses against Public Peace, Morals and Welfare

Sections:

- 14.01 Bandstand, use prohibited during night
- 14.02 Carrying certain firearms
- 14.03 Compression brakes
- 14.04 Curfew for juveniles
- 14.05 Discharging firearms
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Section 14.01 Bandstand, use prohibited during night

No person shall use, occupy, or be upon the bandstand in the Village Square during the hours of darkness except with the written permission of the Village Board.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$100.00, together with the costs of prosecution and in default of payment

shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 110, 1980)

Section 14.02 Carrying certain firearms

No person other than a peace officer of the owner shall wear or carry any firearm known as a pistol, revolver, or handgun, in any public building in the Village of Readstown.

Any person who violates this section shall be required to forfeit not less than \$50.00 nor more than \$100.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 124, 1982)

Section 14.03 Compression brakes

The Village Board finds that the use of motor vehicle brakes commonly known as "jake brakes", which are activated or operated by the compression of the engine of a motor vehicle, disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interest of public health, safety and general welfare to prohibit the use of such brakes except in emergencies.

No person shall use motor vehicle brakes within the Village which are in any way activated or operated by compression of the engine of any such motor vehicle or any unit or part thereof, so as to cause any sound which can be heard from a distance of 300 feet, except in emergencies. It shall be an affirmative defense to prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

Signs giving notice of this section shall be posted at highway entrances to the Village.

Any person who violates this section shall be required to forfeit not less than \$50 nor more than \$200, together with the cost of prosecution and in default of payment shall be imprisoned in the County jail until such forfeiture and cost are paid, not exceeding 30 days. (Ord 206, 1998)

Section 14.04 Curfew for juveniles

14.04.01 Definitions.

"Curfew Hours" means the following times: From ten o'clock (10:00) p.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday until five o'clock (5:00) a.m. of the following day.

“Custodian” means a person at least eighteen (18) years of age who has been authorized by a parent or guardian to have the care and custody of the juvenile.

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“Juvenile” means any person who is at least twelve (12) years of age but less than seventeen (17) years of age.

“Organized Dance” means any school, church or non-profit sponsored dance.

14.04.02 Restrictions. Except as provided in section 14.04.03, it is unlawful for any juvenile to be upon any street, alley, or public place within the Village of Readstown during curfew hours.

14.04.03 Exceptions. The following are exceptions to section 14.04.02:

(a) The juvenile was accompanied by his or her parent, legal guardian, or custodian, or

(b) The juvenile was attending an organized dance or sporting event, or

(c) The juvenile was exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech or the right to assembly.

14.04.04 It is unlawful for any parent, legal guardian or custodian to knowingly cause or permit a juvenile to be in violation of this section.

14.04.05 Enforcement. Prior to issuing a citation or taking any other action for an apparent violation of section 14.04.02, a police officer shall ask the juvenile’s age and reason for being in the public place. A police officer shall not issue a citation or take any other action for an apparent violation of section 14.04.02 unless the officer reasonably believes that an offense has occurred and that none of the exceptions found in section 14.04.03 apply.

14.04.06 Penalties.

(a) For a first offense of section 14.04.02 the juvenile shall be warned to cease and desist and upon failure to do so the officer may take the juvenile to his or her home. The officer shall also send a warning letter to the parents or legal guardians of the juvenile describing the nature of the violation.

(b) For a second and subsequent violation of section 14.04.02 the juvenile is subject to a forfeiture of not less than \$5.00 nor more than \$15.00.

(c) Any person who violates section 14.04.04 of this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$200.00. (Ord No. 101305)

14.05 Weapons In Public Buildings And At Special Events

(1) Definitions. The following definitions shall apply to the terms used in this ordinance:

- (a) "Public building" shall mean any building owned, occupied or controlled by the Village of Readstown.
- (b) "Special event" means an event that is open to the public, is organized by the Village of Readstown, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.
- (c) "Weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in Wis. Stat. sec. 941.295(1c) (a); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm including any knife with a blade length of greater than three (3) inches.

(2) Prohibitions. Other than as provided in sub. (4), it shall be unlawful for any person:

- (a) While carrying a weapon, to enter or remain at a special event organized by the Village if the Village has notified the actor not to enter or remain at the special event while carrying a weapon.
 - (b) To enter or remain in any part of a public building, if the Village has notified the actor not to enter or remain in the building while carrying a weapon.
- (3) Notice and Signs.
- (a) For the purposes of this section, the Village has notified an individual not to enter or remain in a part of the public building while carrying a weapon if the Village has posted a sign that is located in a prominent place near all of the entrances to the public building and any individual entering the building can be reasonably expected to see the sign.
 - (b) For the purposes of this section, the Village has notified an individual not to enter or remain at the special event organized by the Village while carrying a weapon if the Village has posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

- (c) Signs shall be not less than five inches by seven inches in size and shall state that weapons are prohibited in the building or at the special event.
- (4) Exceptions. The prohibitions in sub. (2) do not apply to the following:
 - (a) A law enforcement officer as defined under Wis. Stat. sec. 175.49(1)
 - (g); or
 - (b) A peace officer other than a commission warden who is not a state-certified commission warden; or
 - (c) A person engaged in food preparation or other activity (e.g., Civil War reenactment, dramatic production) authorized by the Board if the weapon (such as a knife) is a reasonably necessary tool or prop for the person engaged in such food preparation or other activity authorized by the Board.
 - (d) To a person who leases residential or business premises in a public building or, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the building used as a parking facility.
 - (e) To a person attending a special event, if the weapon is in a vehicle driven or parked in a parking facility, to any part of the special event grounds or building used as a parking facility.
- (5) Penalty Provision. Any person who violates this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$250.00. The bond amount shall be \$50.00. (Ord 2011-2)

Section 14.06 Discrimination prohibited

Declaration of policy.

It is hereby declared to be the policy of the Village Board in the exercise of its police power for the public safety, health and general welfare to assure equal opportunity to all persons to live in decent housing facilities, regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any person.

Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Discrimination and discriminatory housing practice mean any treatment in violation of law.

Financial institution includes any person, as defined in this section, engaged in the business of lending money or guaranteeing losses.

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Housing accommodation and dwelling mean any building, mobile home or trailer, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, mobile home or trailer, structure, or portion thereof, or any real property, as defined in this section, used or intended to be used for any of the purposes set forth in this definition.

Mortgage broker means an individual who is engaged in, or performs, the business or services of a mortgage broker, as defined by statute.

Open market means the market which is informed of the availability of any housing accommodation for sale, purchase, rent or lease, whether informed through a real estate broker or by advertising by publication, sign or any other advertising method directed to the public, or any portion thereof, indicating that the property is available for sale, purchase, rent or lease.

Owner includes a lessee, sublessee, cotenant, assignee, managing agent or other person having the right of owner or possession, or the right to sell, rent or lease any housing accommodation.

Person includes individuals, children, firms, associations, joint venture, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations thereof.

Real estate broker and real estate salesman include any individual, qualified by law, who, for a fee, commission, salary or other valuable consideration, or who, with the intention or expectation of receiving or collecting a fee, commission, salary or other valuable consideration, lists, sells, purchases, rents or leases any housing accommodation, including options thereupon, or who negotiates such activities; or who advertises or holds himself out as engaged in such activities; negotiates a loan, secured by a mortgage or other encumbrance upon transfer of any housing accommodation; or who is engaging in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rent or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by acting on behalf of any of such persons.

Real property includes buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

Unlawful practices.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or any public sale,

purchase, rental or lease of any housing accommodation, it shall be unlawful for:

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(1) A person, owner, financial institution, real estate broker or real estate salesman, or any representative of such person, to:

a. Refuse to sell, purchase, rent or lease, or deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

b. Discriminate against a person in the terms, conditions or privileges of the sale, purchase, rent or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith;

c. Refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from, or to, a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

d. Refuse to negotiate for the sale, purchase, rent or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, sex or place of birth;

e. Represent to a person that any housing accommodation is not available for inspection, sale, purchase, rent or lease when in fact it is so available, or refuse to permit a person to inspect any housing accommodation because of his race, color, religion, national origin, sex or place of birth;

f. Make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted or mailed, any notice, statement or advertisement, or announce a policy, or sign or use a form of application for the sale, purchase, rent, lease or financing of any housing accommodation, or make a record of financing of any housing accommodation, or make a record of inquiry in connection with the prospective sale, purchase, rent, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination;

g. Offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rent or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rent or lease, or in the furnishing of facilities or services in connection therewith;

h. Induce directly, or attempt to induce directly or indirectly, the sale, purchase, rent or lease, or the listing for sale, purchase, rent or lease, of any housing accommodation by representing that the presence, or anticipated presence, of persons of any particular race, color, religion, sex, national origin or place of birth in the area to be affected by such sale, purchase, rent or lease will or may result in:

1. The lowering of property values in the area;
2. An increase in criminal or antisocial behavior in the area; or
3. A decline in the quality of schools serving the area.

- i. Make any misrepresentation concerning the listing for sale, purchase, rent or lease, or the anticipated listing for sale, purchase, rent or lease, or the sale, purchase, rent or lease of any housing accommodation in any area in the Village for the purpose of inducing, or attempting to induce, any such listing or any of such transactions;
- j. Engage in, hire to be done or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rent or lease, or the listing for sale, purchase, rent or lease, of any housing accommodation;
- k. Retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this section, or because he has filed a complaint, testified, assisted in any investigation, proceeding, hearing or conference under this section;
- l. Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this section, or obstruct or prevent any person from complying with the provisions of this section or any order issued under this section;
- m. By canvassing, commit any unlawful practice prohibited by this section;
- n. Otherwise deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex or place of birth; or
- o. Deny any qualified 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 discriminate against such person in their terms or conditions of such access, membership or participation on account of race, color, religion, sex or national origin.

Any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists, in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial real estate loans, to deny a loan of other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a selling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the

dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

Exemptions.

This section shall not apply to:

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(1) A religious organization, association or society, or any nonprofit institution or organization operating, 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 commercial purposes to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin.

A private club not in fact open to the public, which, as an incident to its primary purpose, provides lodging, which it owns or operates for other than a commercial purpose and which limits the rental or occupancy of such lodging to its members or gives preferences to its members.

Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three such single-family houses at any one time; provided, further, that in the 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 or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided, further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses, and such owner shall be excepted from the application of this section only if such house is sold or rented:

a. Without the use, in any manner, of the sales or rental services of any real estate broker, agent or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person; and

b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 USC 3604(c) or section 34-3, but nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance, as necessary, to perfect or transfer the title.

Rooms or units in dwellings containing living quarters occupied, or intended to be occupied, by no more than four families living independently or each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Complaints.

Any person aggrieved by an unlawful practice prohibited by this section may file a complaint with the Village Clerk within 30 days after the aggrieved person becomes aware of the alleged unlawful practice, and in no event more than 60 days after the alleged unlawful practice occurred. The Village Board or its duly authorized representative shall investigate each complaint and attempt to resolve each complaint. Failure to achieve resolution acceptable to both parties and compliance with this section

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shall cause the Village Board to forward the complaint and the findings to appropriate state and federal officials.

Other remedies.

Nothing contained in this section shall prevent any person from exercising any right or seeking any remedy to which he or she might otherwise be entitled, or from filing his or her complaint with any appropriate governmental agency.

Penalty

Any person who violates this section shall be required to forfeit not less than \$100.00 nor more than \$1,000.00 for a first offense, and not less than \$1,000.00 nor more than \$10,000.00 for each subsequent offense committed within five years of a prior offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days.

Section 14.07 Disorderly conduct

No person shall make or use loud or boisterous language or any language tending to excite a breach of the peace; or shall be engaged in fighting or shall make or assist in making any riot, noise or other disturbance in the Village; or shall aid or abet any riotous or disorderly assembly therein; or shall commit any disorderly or improper conduct tending to cause or provoke a disturbance. (cf Ord 5a, 1974)

No person shall play any game of chance for money, whether dice, cards, or gambling device of any kind whatsoever. (cf Ord 5a, 1974)

Any person who violates this section shall be required to forfeit not less than \$100.00 nor more than \$300.00 for a first offense, and not less than \$300.00 nor more than \$500.00 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 219, 1999)

Section 14.08 Drug paraphernalia (Ord 101206.1)

- A. Definitions**
- B. Determinations**
- C. Possession of drug paraphernalia**
- D. Manufacture or delivery of drug paraphernalia**
- E. Delivery of drug paraphernalia to a minor**

A. Definitions. In this Chapter: (1)(a) "Drug paraphernalia" means all equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing,

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compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following:

1. Kits used, designed for use or primarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance or controlled substance analog can be derived.
2. Kits used, designed for use or primarily intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs.
3. Isomerization devices used, designed for use or primarily intended for use in increasing the potency of any species of plant that is a controlled substance.
4. Testing equipment used, designed for use or primarily intended for use in identifying, or in analyzing the strength, effectiveness or purity of, controlled substances or controlled substance analogs.
5. Scales and balances used, designed for use or primarily intended for use in weighing or measuring controlled substances or controlled substance analogs.
6. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, designed for use or primarily intended for use in cutting controlled substances or controlled substance analogs.
7. Separation gins and sifters used, designed for use or primarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

8. Blenders, bowls, containers, spoons and mixing devices used, designed for use or primarily intended for use in compounding controlled substances or controlled substance analogs.

9. Capsules, balloons, envelopes and other containers used, designed for use or primarily intended for use in packaging small quantities of controlled substances or controlled substance analogs.

10. Containers and other objects used, designed for use or primarily intended for use in storing or concealing controlled substances or controlled substance analogs.

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11. Objects used, designed for use or primarily intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

b. Water pipes.

c. Carburetion tubes and devices.

d. Smoking and carburetion masks.

e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

f. Miniature cocaine spoons and cocaine vials.

g. Chamber pipes.

h. Carburetor pipes.

i. Electric pipes.

j. Air-driven pipes.

k. Chilams.

L. Bongs.

m. Ice pipes or chillers.

(b) "Drug paraphernalia" excludes:

1. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.

2. Any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products.

(2) "Primarily" means chiefly or mainly.

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B. Determinations. (1) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use.

(b) The proximity of the object, in time and space, to a direct violation of this chapter.

(c) The proximity of the object to controlled substances or controlled substance analogs.

(d) The existence of any residue of controlled substances or controlled substance analogs on the object.

(e) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is designed for use or primarily intended for use as drug paraphernalia.

(f) Instructions, oral or written, provided with the object concerning its use.

(g) Descriptive materials accompanying the object that explain or depict its use.

(h) Local advertising concerning its use.

(i) The manner in which the object is displayed for sale.

(j) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

(k) The existence and scope of legitimate uses for the object in the community.

(L) Expert testimony concerning its use.

(2) In determining under this chapter whether an item is designed for a particular use, a court or other authority shall consider the objective physical characteristics and design features of the item.

(3) In determining under this chapter whether an item is primarily intended for a particular use, a court or other authority shall consider the subjective intent of the defendant.

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C. Possession of drug paraphernalia. (1) No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this part C (1) may be required to forfeit not more than \$500 together with the costs of prosecution.

(2) No person may use, or possess with the primary intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this part C (2) may be required to forfeit not more than \$500 together with the costs of prosecution.

D. Manufacture or delivery of drug paraphernalia. (1) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter. Any person who violates this part D (1) may be required to forfeit not more than \$1,000 together with the costs of prosecution.

(2) No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack or store methamphetamine or a controlled substance analog of methamphetamine in violation of this chapter. Any person who violates this part D (2) may be required to forfeit not more than \$1,000 together with the costs of prosecution.

E. Delivery of drug paraphernalia to a minor. (1) Any person 17 years of age or over who violates part D by delivering drug paraphernalia to a person 17 years of age or under who is at least 3 years younger than the violator may be may be required to forfeit not more than \$2,000 together with the costs of prosecution. (Ord 101206.1)

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Section 14.09 Hours park closed

No person shall be present in or upon the Village Square (also called the "Downtown Village Park") between the hours of 1:00 a.m. and 6:00 a.m.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$50.00 for a first offense, and not less than \$50.00 nor more than \$100.00 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 106, 1978)

Section 14.10 Junk and unlicensed vehicles

Definitions:

- a. "Motor Vehicle" means a vehicle which is self propelled, including a trackless trolley bus, a snowmobile, truck bodies, and tractors or trailers.
- b. "Junked motor vehicle" means any motor vehicle which is in such a state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.
- c. "Unlicensed motor vehicle, truck body, tractor or trailer" means any motor vehicle, truck body, tractor or trailer which does not bear a lawful current license issued by any state or nation.

Prohibitions:

No person, firm, partnership or corporation shall leave unattended any motor vehicle or any motor vehicle parts upon any street or upon any Village property within the Village for a continuous period in excess of 7 days. Nor shall any person firm, partnership or corporation store any junked motor vehicle, unlicensed or unregistered motor vehicle, or any motor vehicle parts upon any private property outside of any building for any period in excess of 48 hours, except upon a permit issued by the Village Board and any such motor vehicle or motor vehicle parts left in excess of such period is deemed abandoned and constitutes a public nuisance. Any such abandoned motor vehicle or motor vehicle

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parts shall be impounded and disposed of in accordance with section 342.40 of the Wisconsin Statutes or other applicable section of said Statutes. A law enforcement officer may move a vehicle parked in violation of this section, or contract to move such vehicle or motor vehicle parts, to a storage premises, pursuant to section 349.13 of the Wisconsin Statutes or other applicable section of said Statutes. The cost of said removal shall be charged to the owner of said motor vehicle or motor vehicle parts.

Permit:

A permit issued by the Village Board shall be signed by the President and Clerk and shall specify the quantity and manner of storing such junked motor vehicle, unlicensed motor vehicle, or motor vehicle parts, as determined by the Village Board. Such permit shall be revocable at any time by the Village Board after a hearing at which it has been found that the permit holder has failed or refused to comply with the conditions specified in the permit. Such hearing may be held by the Village Board upon its own motion, or upon the complaint in writing, duly signed and verified, by a complainant. The complaint shall state the nature of the alleged failure to comply with such ordinance, regulation or condition of the permit. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder

not less than ten (1) days before the date of hearing. A temporary permit, valid for a period not to exceed thirty days, may be issued by the Village Police. A temporary permit may be revoked at any time by the Village Board.

Penalty:

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$100.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. The owner of an abandoned motor vehicle or motor vehicle parts shall be required to also forfeit the costs of impounding and disposal of the motor vehicle or motor vehicle parts, which costs may be recovered from the sale thereof to the extent the proceeds pay the same. Each day the violation continues shall be a separate offense. (Ord 182, 1995)

Section 14.11 _____ Malicious conduct

Any person who shall, in a public place, or on any fence or wall, sidewalk, street or other surface contiguous to the public streets or sidewalks, or on the floor, ceiling, or inner or outer wall of any closet room, passage hall or any part of a tavern, church, school, or other building devoted to or open to other like public uses, make or cause to be made any obscene or indecent writing or print liable to be seen by persons passing

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or coming near the same, shall be punished by forfeiture not to exceed \$50, and costs of prosecution and upon failure to pay such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days.

Any person who shall willfully, maliciously, wantonly, or heedlessly break, injure, or destroy any electric light, bracket or fixture, tree, item of playground equipment, picnic table or bench, toilet, fence, building or property contained therein, water hydrant, water main, sewer or connection thereto, belonging to and being the property of the Village, shall be punished by forfeiture not to exceed \$100, and costs of prosecution and upon failure to pay such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days.

Any person authorized to serve process in which the Village is plaintiff, who shall willfully and corruptly refuse to execute any lawful process, and requiring him or her to apprehend or confine any person convicted of or charged with any offense against the ordinance of the Village, or who shall omit or delay the execution of such process whereby such person shall

escape and remain at large; or any person who shall refuse to assist a duly authorized police officer of the Village to prevent a breach of the peace and required to do so by such officer, shall be punished by forfeiture not to exceed \$50, and costs of prosecution and upon failure to pay such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days.

Any person who shall willfully, maliciously, wantonly, or heedlessly interrupt, or in any way molest or disturb any school, Sunday school, church, or any other place of worship, or any lawful meeting or assembly of people, or take part in or encourage any noise, riot, or disturbance of the same, shall be punished by forfeiture not to exceed \$100, and costs of prosecution and upon failure to pay such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. Any person who shall willfully, maliciously, wantonly, or heedlessly make any ditch depression or embankment, or place any obstruction in or on any street, sidewalk or public driveway, intended or calculated to impede or incommode the use of such street, sidewalk, or public driveway, shall be punished by forfeiture not to exceed \$100, and costs of prosecution and upon failure to pay such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 172, 199__)

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Section 14.12 Marijuana

No person shall possess 25 grams or less of marijuana, as defined in section 961.01(14), Wisconsin Statutes, subject to the exceptions in section 961.41(3g) (intro), Wisconsin Statutes.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$400.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 185, 1995)

Section 14.13 Noise

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the Village such as produces annoyance, inconvenience, discomfort, or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the safety, health, or morals of the public.

Sound emanating from a radio or other electronic device in a motor vehicle which is audible beyond the traveled portion of the street constitutes unnecessary noise and is a violation of this ordinance by the operator of the vehicle. (Ord 120805)

It shall be unlawful for any person to operate any mechanical device operated by gasoline, or steam or otherwise, without having the same equipped and using thereon a muffler, in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device.

The operation or use of any automobile, motorcycle, or other vehicle, engine, or motor of whatever size, stationary or moving, when used on tracks or courses, not being public highway, between the hours of 10:30 P.M. and 8:00 A.M. on weekdays shall be unlawful.

As used in this section, the word "person" shall extend and be applied to the lessor or landlord of any land, building or premises, his agent, the lessee, the occupant or person in charge of such building or premises, as well as to individuals.

The landlord or lessor shall be given notice on at least two occasions of violations of this Section by the tenant(s) or occupant(s) and, upon the second and subsequent violation by the tenant, occupant, or group of tenants at the same dwelling unit within a one (1)

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year period, the landlord or lessor may be cited for permitting or allowing a nuisance. The landlord or lessor shall be notified of all citations issued to their tenants or occupants for noise violations and shall only be subject to a penalty if such tenant(s) or occupant(s) has been convicted of violations of this section occurring within a one (1) year period nor shall the landlord or lessor be subject to a penalty if the landlord or lessor shows that all reasonable means have been taken and a sincere effort made to prevent continuous noise violations by their tenants or occupants.

For the purpose of this section, a nuisance is described as allowing continuous loud noises, music or parties, which tend to disrupt the common welfare of a neighborhood or community.

Any person who violates this section shall be required to forfeit not less than \$100.00 nor more than \$300.00 for a first offense, and not less than \$300.00 nor more than \$500.00 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County

Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 216, 1999)

Section 14.14 Obstructing officer

Whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity shall be required to forfeit not more than two hundred dollars together with the costs of prosecution and in default in payment thereof shall be committed to the county jail until such forfeiture and costs are paid, not exceeding thirty days. "Obstruction" includes, without limitation, knowingly giving false information to the officer with intent to mislead him or her in the performance of his or her duties, including the service of any summon or civil process. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody. (Ord. 184, 1995)

Section 14.15 Property damage

It is unlawful to intentionally cause damage to the physical property of another without the person's consent.

It is unlawful to intentionally cause damage to any physical property of the Village, or to any physical property maintained by the Village for the use, benefit, or assistance of the general public.

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Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$400.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 197, 1997)

Section 14.16 Shoplifting

It is unlawful to intentionally alter indicia of price or value of merchandise or to take and carries away, transfer, conceal or retain with intent to deprive the merchant permanently of possession, or the full purchase price, of such merchandise.

The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently

of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in the merchant's or employee's presence may detain such person in a reasonable manner for a reasonable length of time to deliver him or her to a peace officer or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and may be permitted to make telephone calls, but he or she shall not be interrogated or search against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person.

Any person who violates this section shall, upon conviction, be required to forfeit not less than \$25 nor more than \$400, together with the costs of prosecution, and upon default in payment, shall be committed to the county jail until said forfeiture and costs are paid, not exceeding thirty days. (Ord No. 195, 1997)

Section 14.17 Disturbance of the Peace with a Motor Vehicle

(1) Unnecessary Noise Prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Readstown.

(2) Unnecessary Smoke Prohibited. It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village of Readstown.

(3) Unnecessary Acceleration and Display of Power Prohibited. It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(4) Penalty Provision. Any person who violates this section shall, upon conviction, be required to forfeit not less than twenty-five dollars not more than one hundred dollars, together with costs, and in default of payment thereof, may be committed to the county jail until said forfeiture and costs are paid, not exceeding thirty days. (Ord. No. 060911.1)

Section 14.18 Theft

Definitions:

(a) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas, documents which represent or embody a chose in action or intangible rights.

(b) "Movable property" is property whose physical location can be changed, without limitation including electricity, gas, documents which represent or embody a chose in action or intangible rights.

(c) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It also includes property owned by the Village or any of its agencies, as well as property maintained for the use of the public by the Village or any of its agencies.

Theft Prohibited. Whoever does the following may be penalized as provided in this section: intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$400.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 196, 1997)

Section 14.185 Fraud on a gas station.

- (1) Whoever, having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, intentionally absconds without paying for the gasoline or diesel fuel may be penalized as provided in sub. (3):
- (2) The failure or refusal to pay a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail the established charge for gasoline or diesel fuel provided by the service station, garage, or other place constitutes prima facie evidence of an intent to abscond without payment.
- (3) Whoever violates sub. (1) shall forfeit not less than \$50 nor more than \$200.
- (4) License suspension.
- (a) Definitions. In this subsection:
1. "Operating privilege" has the meaning given in Wis. Stat. sec. 340.01 (40).
 2. "Repeat offense" means a violation of sub. (1) that occurs after a person has previously been found by a court to have violated sub. (1).
- (b) Subject to pars. (c) and (d), if a person commits a repeat offense, the court, in addition to imposing any penalty under sub. (3), may suspend the person's operating privilege for not more than 6 months.
- (c) Subject to par. (d), if a person violates sub. (1) after having been found by a court to have committed an offense that constitutes a repeat offense, the court, in addition to imposing any penalty under sub. (3), shall suspend the person's operating privilege for not more than 6 months.
- (d) If a person violates sub. (1) after having his or her operating privilege suspended under par. (c), the court, in addition to imposing any penalty under sub. (3), shall suspend the person's operating privilege for one year.
- (5) Restitution. In addition to the other penalties provided for violation of this section, a judge may order a violator to pay restitution. A victim may not be compensated under this ordinance and Wis. Stat. sec. 943.212.
- (6) A judgment may not be entered for a violation of this ordinance regarding conduct that was the subject of a judgment including exemplary damages under Wis. Stat. sec. 943.212. (Ord. No. 031011)

Section 14.19 Trespass

(1) Whoever does any of the following is subject to a forfeiture as provided in this section:

(a) Intentionally enters any land of another, without the express or implied consent of the owner or occupant.

(b) Remains on any land of another after having been notified by the owner or occupant not to remain on the premises.

(2) A person who violates this section shall be required to forfeit not more than \$100 for a first offense, and not more than \$400 for each subsequent offense, together with the costs of prosecution, and upon failure to pay such forfeiture and costs shall be imprisoned in the county jail not to exceed 30 days. (Ord. 081309)

Section 14.20 Worthless checks

Whoever issues any check or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid, shall be required to forfeit not less than \$100 nor more than \$300 for a first offense within a 12 month period, and not less than \$300 nor more than \$500 for a second or subsequent offense within a 12 month period, together with the costs of prosecution and in default of payment shall be imprisoned in the County Jail until such forfeiture and costs are paid but not more than thirty days. A judge may order a violator to make restitution under section 800.93, Wis. Stats., or similar or subsequent statute providing for restitution.

Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either the person's last-known address or the address provided on the check or other order; or

(3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either

the person's last-known address or the address provided on the check or other order.

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C. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.
(Ord 148, 1988)

Section 14.21 Snow removal restrictions

1. No person shall shovel, push, blow, plow, pile or place snow onto a neighbor's property, or take snow off of and deposit it on someone else's property.
2. All snow from private property (driveways or parking lots) shall be either deposited on the originating owner's property or hauled away by the owner or his agent. Property owners shall not place their snow on another person's property.
3. No person shall use the public streets or any other public property as a place for disposal of snow from private property. Pushing, dumping, blowing, throwing or otherwise transferring snow from private property to a public street is prohibited.
4. Property owners will be held liable, not their contractors; property owners shall inform their contractors of this policy.
5. The penalty for violation of this section shall be a forfeiture of not less than \$50 nor more than \$200 for a first offense, and not less than \$100 nor more than \$300 for a second and each subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs, imprisonment in the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day any such violation continues shall constitute a separate offense. (Ord 021209.1)

14.22 Public Nuisances Prohibited.

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

14.23 Public Nuisance Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

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

14.24 Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 14.23 of this chapter:

(1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.

(2) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) **BREEDING PLACES FOR VERMIN, ETC.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed, except compost used for gardens.

(4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply except for natural wetlands.

(5) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

(6) **NOXIOUS WEEDS.** All noxious weeds, as defined in s. 66.0407, Wis. Stats. In addition, other rank growth of vegetation, and all weeds, grasses and plants over 8 inches in height excluding trees and shrubs except under sub. (e), which:

(a) Detract from the surrounding area and properties.

(b) Become a possible fire hazard, as determined by the Fire Chief.

(c) Become a health hazard due to their pollen or a potential cover for disease-carrying rodents and other small animals.

(d) Are of infectious or poisonous nature in or adjacent to a populated area, regardless of height.

(e) Become a potential hazard to vehicular traffic in vision clearance triangles.

(7) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

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(8) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of several persons within the Village.

(9) PESTICIDE APPLICATION. The application, or causing of the application, of any pesticide, as defined in s. 94.67(25), Wis. Stats., in such a manner as to endanger the health of persons within the Village. A person is not in violation of this section if he or she is following the instructions and manufacturing guidelines for application.

14.25 Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 14.23 of this chapter.

(1) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

14.26 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 14.23 of this chapter:

(1) SIGNS, BILLBOARDS, ETC. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.

(2) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markers or devices placed or maintained upon or in view of any public highway which purport to be or may be mistaken as an official traffic control device or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any device, sign or signal.

(3) OBSTRUCTION OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys

or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(4) TREE LIMBS. All limbs of trees which project over and less than 10 feet above any public sidewalk or less than 15 feet above a street or other public place.

(5) DANGEROUS TREES. All trees which are injurious to public health or safety because of a diseased or damaged condition, and the storage of cut elm wood, unless such

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wood is debarked or sprayed with an effective elm bark beetle destroying insecticide as determined by a qualified forester or otherwise qualified person.

(6) ANIMALS. All animals running at large.

14.27 Abatement of Public Nuisances.

(1) ENFORCEMENT. It shall be the duty of the Police Department, the Fire Chief, the Zoning Administrator and the County Health Officer to enforce those provisions of this chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

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

(b) Abatement by Village. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty or enforcement shall cause the abatement or removal of such public nuisance.

(3) ABATEMENT BY COURT ACTION. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the

same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Village President, who may direct the Village Attorney to commence an action in Circuit Court for the abatement of the nuisance.

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Municipal Court seeking a forfeiture as provided in sec. 14.29 of this chapter.

(5) COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the

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cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

14.28 Junk, Certain Vehicles, Recreational Equipment And Firewood.

(1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the Village.

(a) Any motor vehicle, truck body, tractor or trailer as enumerated in subs. (3) and (4) below and defined in sub. (2)(a), (b) and (c) below.

(b) Any junk stored contrary to sub. (5) below.

(c) Any recreational equipment stored contrary to sub. (6) below.

(d) Any firewood used or stored contrary to sub. (7) below.

(2) DEFINITIONS. The words, phrases and terms used in this section shall be interpreted as follows:

(a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

(b) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

(c) Motor Vehicle. As defined in s. 340.01(35), Wis. Stats.

(d) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and

equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Village property values, health, safety or general welfare.

(e) Recreation Equipment. Boats, canoes, boat and utility trailers, mobile homes, campers, off-highway vehicles and snowmobiles.

(f) In the Open. Land which may be viewed from public streets or adjoining property.

(3) STORAGE OF INOPERABLE VEHICLES, ETC.

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(a) Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property in the Village for a period exceeding 10 days.

(b) Exceptions.

1. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than 3 disassembled or wrecked vehicles, including vehicles under repair, in the open for a period not to exceed 30 days, after which such vehicles shall be removed.

2. Junk yards licensed under section 8.04 of this Code.

3. Seasonal equipment

(4) STORAGE OF UNLICENSED VEHICLES, ETC.

(a) Restricted. No person shall accumulate, store or allow any unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property in the Village for a period exceeding 10 days.

(b) Exceptions.

1. Any business engaged in the sale, repair or storage of such unlicensed vehicles in a properly zoned district.

2. Garden tractors and mowers may be stored in the rear yard not less than 10 feet from any property line.

(5) STORAGE OF JUNK PROHIBITED. No person, except a junk dealer licensed under section 8.04 of this Code, shall accumulate, store or allow any junk outside of any building on any public or private real estate located in the Village.

(6) STORAGE OF RECREATIONAL EQUIPMENT REGULATED. No person shall store any recreational equipment on any street right of way or within the front setback, excluding the driveway, for a period of more than 48 hours.

(7) STORAGE OF FIREWOOD.

(a) Regulated. No person shall store firewood on any residential premises except for use on the premises. No firewood pile may be located within the front setback.

(b) Exception. Any firewood pile located contrary to the provisions of par. (a) above on the effective date of this subsection need not be moved to a place of compliance until June 1, 2015.

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(8) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever a law enforcement officer shall find any such vehicle, junk or recreational equipment, as defined in sub. (2) above, accumulated, stored or remaining in the open upon any property within the Village contrary to the provisions of subs. (3), (4), (5) and (6) above, or firewood stored contrary to sub. (7) above, he or she shall notify the owner of said property on which such vehicle, junk, recreation equipment or firewood is located of the violation of this section. If such vehicle, junk, recreational equipment or firewood is not removed within 10 days, the officer shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle, junk, recreational equipment or firewood is located. In addition, action to abate such nuisance may be commenced, as provided in sec. 14.27 of this chapter.

14.29 Penalty.

Any person who shall be adjudicated to have violated section 14.22 or sections 14.24 through 14.28 of this Chapter shall be subject to a penalty as provided in Title 1 of this Code.

Title 15
(Reserved)

Title 16
Streets and Sidewalks

- 16.01 Privileges in streets
- 16.02 Sidewalk and gutter: standards; snow and ice removal from sidewalks
- 16.03 Maiben Street, mailbox location and installation regulated

Section 16.01 Privileges in streets

Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Clerk-Treasurer or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Village Clerk-Treasurer shall request advisory recommendations from the Director of Public Works, Chief of Police and/or Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.

No street privilege permit shall be issued until the applicant shall execute and file with the Clerk-Treasurer a bond in an amount determined by the Director of Public Works not exceeding Ten Thousand Dollars (\$10,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. Upon request, the Village Board may waive this requirement.

The fee for a street privilege permit shall be in the sum of Five Dollars (\$5.00), plus any actual Village costs.

The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board, Director of Public Works, Chief of Police, or Building Inspector for violation thereof:

Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.

Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.

The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board, shall continue during all hours of the day and night.

No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.

Buildings shall be moved only in accordance with the route prescribed by the Village Board.

Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Clerk-Treasurer.

In addition to any other penalty imposed, if the owner or occupant of the premises, adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Board to do so, it shall be the duty of the Village Board to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate. (Ord No. 242, 2002)

Section 16.02
removal

Sidewalk and gutter: standards; snow and ice

Streets shall provide a right-of-way for vehicular traffic and, where the council requires, a sidewalk on either or both sides of the street. The sidewalk shall be for the use of persons on foot, and no person may encumber the sidewalk with boxes or other material. The sidewalk shall be kept clear for the use of persons on foot.

Grade. If the grades of sidewalks are not specially fixed by ordinance, the sidewalks shall be laid to the established grade of the street.

Construction and repair. (a) *Authority of Board.* The Village Board may by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks. The standard may be different for different streets. The Board may order by ordinance or resolution sidewalks to be laid as provided in this subsection.

(b) *Board of public works.* The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Village Board.

(c) *Notice.* A copy of the ordinance, resolution or order directing the laying, removal, replacement or repair of sidewalks shall be served upon the owner, or an agent, of each lot or parcel of land in front of which the work is ordered. The board of public works, or either the street commissioner or the engineer if so requested by the council, may serve the notice. Service of the notice may be made by any of the following methods:

1. Personal delivery.
2. Certified or registered mail.
3. Publication in the official newspaper as a class 1 notice, under ch. 985, together with mailing by 1st class mail if the name and mailing address of the owner or an agent can be readily ascertained.

(d) *Default of owner.* If the owner neglects for a period of 20 days after service of notice under par. (c) to lay, remove, replace or repair the sidewalk the Village may cause the work to be done at the expense of the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as otherwise provided by law.

(e) *Minor repairs.* If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of \$100, the board of public works, street commissioner or engineer, if so required by the Board, may immediately repair the sidewalk, without notice, and charge the cost of the repair to the owner of the lot or parcel of land, as provided in this section.

(f) *Expense.* The board of public works shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by contract or otherwise, and report the expenses to the comptroller. The comptroller shall annually prepare a statement of the expense incurred in front of each lot or parcel of land and report the amount to the clerk. The amount charged to each lot or parcel of land shall be entered by the clerk in the tax roll as a special tax against the lot or parcel of land and collected like other taxes upon real estate. The Board by resolution or ordinance may provide that the expense incurred may be paid in up to 10 annual installments and the comptroller shall prepare the expense statement to reflect the installment payment schedule. If annual installments for sidewalk expenses are authorized, the clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against the lot or parcel each year until all installments have been entered, and the amount shall be collected like other taxes upon real estate. The Board may provide that the street commissioner or engineer perform the duties imposed by this section on the board of public works.

Snow and ice. In the event the sidewalk is not cleared of snow and ice within 24 hours after the end of a snowfall or ice storm, the Village will clear the sidewalk and the abutting lot owner shall be assessed \$75.00 as a special tax or assessment, for services rendered. (Ord 021408; Ord 193, 1996)

Repair at Village expense. The Board may provide that sidewalks shall be kept in repair by and at the expense of the Village or may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the Village and the balance by abutting property owners.

Rules. The Board may by ordinance implement the provisions of this section, regulate the use of the sidewalks of the Village and prevent their obstruction.

The Village will replace, repair, or construct new and existing sidewalks with 50% funded by the Village. The remainder may be a special assessment for a maximum of 3 years.

Definitions

- (a) "Board of public works" means the committee or officer designated to handle street or sidewalk matters.
- (b) "comptroller" means clerk

Public sidewalk specifications:

- (a) WIDTH: All sidewalks shall be put back in the same width as previously taken out or as specified by the street superintendent.
- (b) PORTLAND CEMENT: Shall meet the requirements of the latest Standard Specifications of the American Society for testing materials. 5 bag mix.
- (c) SUB-GRADE: All fills exceeding one foot in depth shall be deposited in layers not exceeding four inches and thoroughly compacted by a suitable compactor. A sub-base of at least four inches of sand and/or gravel thoroughly compacted will be required for all sidewalk constructed. All sub-grade material is the responsibility of the contractor unless depth is greater than twelve inches.
- (d) EXPANSION JOINTS: Shall be placed so the slab is approximately square, joints to extend through the concrete slab. Shall be put in at property lines and every thirty feet thereafter. Shall be put along curbs, buildings, or any place where the street superintendent deems necessary.
- (e) THICKNESS: The thickness of the walks in residential areas shall be four inches with the driveways being six inches.
- (f) CURING: Sidewalks shall not be opened for traffic for at least 24 hours after finishing. Barricade protection is the contractor's responsibility.
- (g) REPAIRS: No broken slabs will be repaired; the entire slab shall be removed and replaced.
- (h) PERMIT: A street-opening permit is required for all sidewalk work done within the public walk area. It may be picked up from the street superintendent or the Village treasurer for the fee of \$2.00. The permit will instruct the contractor who to contact for buried wires, gas, etc.

(i) GRADE: Grade shall be determined by the street superintendent and walks shall have pitch to the street consisting of a 1/4 inch to the foot where possible.

(j) BACKFILLING: Backfilling with black dirt is the responsibility of the contractor. Dirt must be put in and tamped in some manner to prevent future settling.

(d) CLEANUP: Is the responsibility of the contractor. New construction will not start until the present site is cleaned of all excess dirt and sub-grade materials.

(l) FINAL INSPECTION: All construction sites will be inspected by the street superintendent or public works committee. All unsatisfactory conditions will be presented to the contractor and must be taken care of.

CURB AND RAMP: Curb and ramp are the sole responsibility of the Village.

CURB AND GUTTER SPECIFICATIONS.

(a) WIDTH: Shall be determined by the street superintendent.

(b) CEMENT: Shall meet the requirements of the latest Standard Specifications of the American Society for testing materials. Shall be a 6 bag mix.

(c) SUB-GRADE: Shall be of firm nature and free of soft gumbo clay spots. Fill for sub-grade must be put in, in layers not to exceed six inches and shall be compacted with a portable compactor or some other means which will be acceptable to the inspector.

(d) CLEAN UP: Will be the responsibility of the contractor. All debris shall be removed at the end of the week and shall be properly barricaded when out in the street.

(e) CURING: New curb and gutter shall be barricaded until proper curing can take place.

SPECIAL ASSESSMENTS:

(a) In addition to other methods provided by law, the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited thereby, in the manner provided in the Wisconsin Statutes. Special assessments shall be a lien against the property from the date of the levy.

(b) Any person against whose land a special assessment is levied under this Section shall have the right of appeal in the manner provided in the Wisconsin Statutes. (Ord 166, 1992)

Section 16.03
regulated

Maiben Street, mailbox location and installation

No person shall place or install a mailbox or supporting structure on or adjacent to Maiben Street in such a manner that it fails to allow a minimum of three (3) feet of unobstructed sidewalk clearance.

The penalty for violation of this section shall be a forfeiture of not less than \$50 nor more than \$250, together with the costs of prosecution. Each day any such violation continues shall constitute a separate offense. (Ord 2011-4)

Title 17
(Reserved)

Title 18
Vehicles and Traffic

Sections:

- 18.01 Abandoned vehicles
- 18.02 Charles Street Bridge, snowmobile and pedestrian traffic in winter
- 18.03 One way traffic (alley in Block 6, Readstown Improvement Company Addition)
- 18.04 Parking and stopping, certain State laws adopted
- 18.05 Parking for more than 48 hours
- 18.06 Parks, motor vehicles and horses prohibited
- 18.07 Prairie Street, parking prohibited
- 18.08 School buses, use of lights
- 18.09 Snowmobile regulations
- 18.10 St. Elmo Street, parking regulated
- 18.105 Maiben Street, parking regulated
- 18.11 State motor vehicle code adopted
- 18.12 Winter parking

Section 18.01

Abandoned vehicles

No person shall leave unattended any motor vehicle, trailer, semitrailer, or mobile home, unregistered for 6 months or more, upon any street or upon any Village property for any period in excess of 90 days following written notice remove the same, given to the owner if known or placed upon the vehicle, and any such motor vehicle, trailer, semitrailer, or mobile home, left unattended thereafter is deemed abandoned and constitutes a public nuisance.

The owner of any such abandoned motor vehicle, trailer, semitrailer, or mobile home, who violates this section shall be required to forfeit not less than \$50.00 for each 30 days or part thereof after such initial 90 day warning period during which a violation continues, together with the costs of impounding and disposal of such motor vehicle, trailer, semitrailer, or mobile home, which forfeiture and costs may be recovered from the sale thereof to the extent the proceeds pay the same; and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 152, 1989)

Section 18.02 Charles Street Bridge, snowmobile and pedestrian traffic in winter

Snowmobiles operating on the Charles Street Bridge shall be operated on the sidewalk of the bridge from December 1st to March 1st.

Pedestrians using the Charles Street Bridge shall be prohibited from using the sidewalk during winter months when signs are posted allowing snowmobiles to use the sidewalks. (Ord No. 239, 2002)

Section 18.03 One way traffic (alley in Block 6, Readstown Improvement Company Addition)

Motor vehicles shall travel only in a Westerly direction in the alley or public way running East and West through Block 6, Readstown Improvement Company Addition in the Village of Readstown.

Any person who violates this Section shall be required to forfeit not less than \$50.00 nor more than \$200.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 153, 1989)

Section 18.04 Parking and stopping, certain State laws adopted

Section 1: Stopping prohibited in certain specified places (adopting State Statute section 346.52).

(1) No person may stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

- (a) Within an intersection.
- (b) On a crosswalk.
- (c) Between a safety zone and the adjacent curb, or within 15 feet of a point on the curb immediately opposite the end of a safety zone unless a different distance is clearly indicated by an official traffic sign or marker or parking meter.
- (d) On a sidewalk or sidewalk area, except when parking on the sidewalk or sidewalk area is clearly indicated by official traffic signs or markers or parking meters.
- (e) Alongside or opposite any highway excavation or obstruction when stopping or standing at that place would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- (f) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

(g) Within 15 feet of the driveway entrance to a fire station or directly across the highway from a fire station entrance.

(h) Upon any portion of a highway where, and at the time when, stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(i) Within 25 feet of the nearest rail at a railroad crossing.

(1m) Notwithstanding sub. (1)(a) and (b), if snow accumulation at the usual bus passenger loading area makes it difficult to load or discharge bus passengers, the driver may stop a motor bus to load or discharge passengers on a crosswalk at an intersection where traffic is not controlled by a traffic control signal or a traffic officer.

Section 2: Stopping prohibited in certain specified places (adopting State Statute section 346.53).

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 of traffic:

(1) In a loading zone.

(2) In an alley in a business district.

(3) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.

(4) Within 4 feet of the entrance to an alley or a private road or driveway.

(5) Closer than 15 feet to the near limits of a cross-walk.

(6) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

Section 3: Other restrictions on parking and stopping (adopting State Statute section 346.55).

(1) No person shall stop or leave standing any vehicle on the left side of a highway except as provided in ss. 167.31(4)(co) and 346.54.

(3) No person may leave or park any motor vehicle on private property without the consent of the owner or lessee of the property.

(4) Owners or lessees of public or private property may permit parking by certain persons and limit, restrict or prohibit parking as to other persons if the owner or lessee posts a sign on the property indicating for whom parking is permitted, limited, restricted or prohibited. No person may leave or park any motor vehicle on public or private property contrary to a sign posted thereon.

Section 4. Any person who violates this section shall be required to forfeit \$10.00 if paid to the Village within 10 days, \$20.00 if paid after 10 days but within 20 days, and if not so paid shall be required to forfeit not less than \$20.00 nor more than \$50.00 for a first offense, and not less than \$50.00 nor more than \$100.00 for each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 244, 2003)

Section 18.05 Parking for more than 48 hours

No person shall park a vehicle and leave the same parked, nor shall the owner of any vehicle allow the same to remain parked, on any public way, including specifically public streets, in the Village for a period in excess of 48 hours except for disabled vehicles and then only with the permission of the Village police.

Any vehicle left parked in violation of this section is hereby declared to be a public nuisance, and it shall be lawful for the Village to remove the same and impound the same, until the costs of removal and reasonable storage fees are paid by the owner, to whom notice by mail shall be sent to the last known address of the owner as indicated on the certificate of title as reported by the Division of Motor Vehicles; and it shall be lawful for the Village to sell the vehicle at a public or private sale after 10 days written notice to the owner, if the owner's address is known or can be determined as aforesaid, and the proceeds received from such sale shall be first used to pay for the costs of removal and reasonable storage, and the balance shall be paid into the general fund for the benefit of the owner, without interest.

Any person who violates this section shall be required to forfeit not less than \$25.00 nor more than \$200.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 100, 1978)

Section 18.06 Parks, motor vehicles and horses prohibited

No person shall operate a motor vehicle, nor shall the owner of a motor vehicle allow the same to be operated, in any Village park, except with the permission of the Village Board.

No person shall ride or lead any horse in or onto any Village park, nor shall the owner or keeper of any horse allow the same to be in any Village park, except with the permission of the Village Board.

18.06 - 18.09

Any person who violates this section shall be required to forfeit not less than \$50.00 nor more than \$2500.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord 107, 1978?)

Section 18.07 Prairie Street, parking prohibited

No person shall park a vehicle, nor shall the owner of a vehicle allow the same to be parked on Prairie Street.

Any person who violates this section shall be required to forfeit not less than \$250.00 nor more than \$100.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 243, 2002)

Section 18.08 School buses, use of lights

Kickapoo Area School buses may use their red lights and stop signs, while picking up and dropping off children, on any street in the Village. (Ord 209, 1998)

Section 18.09 Snowmobile regulations

STATE STATUTES REGULATING SNOWMOBILES ADOPTED

Except as otherwise specifically provided in this section, chapter 350 of the Wisconsin Statutes is hereby adopted by reference as if fully set forth herein. Acts required to be performed or prohibited by such chapter are similarly required or prohibited by this section.

SPEED No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of ten (10) miles per hour. No person shall operate a snowmobile on any trail designated by this section or in any public park or recreation area at a speed in excess of the posted limit.

UNATTENDED VEHICLES No person shall leave or allow a snowmobile owned or operated by him or her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

OPERATION ON AND ADJACENT TO SIDEWALKS No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by this section or for the purpose of crossing to obtain immediate access to an authorized area of operations.

18.09 - 18.10

OPERATION ON PRIVATE PREMISES No person shall operate a snowmobile on any private property not owned or controlled by him or her within the Village without the express consent or permission of the owner.

SNOWMOBILE ROUTES AND TRAILS DESIGNATED Except as otherwise provided in chapter 350, Wisconsin Statutes, no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other municipal property in the Village except upon snowmobile routes and trails designated by the Village Board. The Village Police are directed and authorized to procure, erect, and maintain appropriate snowmobile route, trail, and limit signs and markers as approved by Wisconsin law and regulation, and shall have authority to declare the routes and trails either open or closed. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this section.

PENALTY Any person who violates this section shall be required to forfeit not more than \$500.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and provided further that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under the Village's ordinances.

ENFORCEMENT The uniform traffic citation promulgated under section 345.11 of the Wisconsin Statutes shall be used for violations of this section relating to highway use. (Ord No. 164, 1991)

Section 18.10 St. Elmo Street, parking regulated

No person shall park a vehicle, nor shall the owner of a vehicle allow the same to be parked on St. Elmo Street, located between Railroad and 4th Streets.

Any person who violates this section shall be required to forfeit not less than \$250.00 nor more than \$100.00 together with the costs of prosecution and in

default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. (Ord No. 240, 2002)

Section 18.105 Maiben Street, parking regulated

No person shall park a vehicle, nor shall the owner of a vehicle allow the same to be parked on Maiben Street in front of any mailbox or group of mailboxes or within ten (10) feet on either side of any mailbox or group of mailboxes.

The penalty for violation of this section shall be a forfeiture of not less than \$50 nor more than \$250, together with the costs of prosecution. (Ord. 2011-5)

Section 18.11 State motor vehicle code adopted

Except as otherwise specifically provided in this section, all provisions of chapters 340 to 348 of the Wisconsin Statutes, 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 adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section.

Sections of chapters 340 to 348 of the Wisconsin Statutes, adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined
341.11(4)	Display of registration plates
341.15	Display of registration plates
341.16(4)	Issuance of duplicated plates
341.42(4)	Reciprocity permits
341.55	Penalty for misuse of plates
341.57(3)	Registration of finance companies and banks
341.63	When registration is to be suspended
342.05(4)	Certificate of title required
342.15(5), (6) and (7)	Transfer of interest in vehicle
342.23	Secured party's and owner's duties
342.30, 342.31, 342.34	ANTI-THEFT AND ANTI-FRAUD PROVISIONS
343.01	Words and phrases defined
343.305	Implied consent
343.35	Surrender of licenses upon cancellation, revocation or suspension
343.45 to 343.46	UNLAWFUL PRACTICES RELATIVE TO LICENSES

343.60 to 343.72	LICENSING OF DRIVE SCHOOLS AND INSTRUCTORS
343.73	Penalty
344.01	Words and phrases defined
344.45 to 344.47	PENALTIES FOR VIOLATION OF SECTION
344.51	Financial responsibility for domestic rented vehicles
345.01	Words and phrases defined
345.20 to 345.53	GENERAL PROVISIONS IN TRAFFIC FORFEITURE ACTIONS
345.55	Traffic officers not to profit from arrests
346.01	Words and phrases defined
346.02	Applicability of <u>Section</u>
346.03	Applicability of rules of the road to authorized emergency vehicles.
346.04(1) and (2), 346.05 to 346.16	DRIVING, MEETING, OVERTAKING, AND PASSING
346.17	Penalty for violating Sections 346.04 to 346.16
346.18 to 346.21	RIGHT OF WAY
346.22	Penalty for violating sections 346.18 to 346.21
346.23 to 346.29	DRIVERS AND PEDISTRIANS
346.30	Penalty for violating Sections 346.23 to 346.29
346.31 to 346.35	TURNING AND STOPPING AND REQUIRED SIGNALS
346.36	Penalty for violating Sections 346.31 to 346.35
346.37 to 346.42	TRAFFIC SIGNS, SIGNALS AND MARKINGS
346.43	Penalty for violating Sections 346.37 to 346.42
346.44 to 346.48	REQUIRED STOPS
346.49	Penalty for violating Sections 346.44 to 346.48
346.50 to 346.55	RESTRICTIONS ON STOPPING AND PARKING
346.56	Penalty for violating Sections 346.50 to 346.55
346.57(2), (3) and (4)(a) to (c)	SPEED RESTRICTIONS - first offense in a year
346.57(4)(d), (5) and (6) to 346.595	SPEED RESTRICTIONS

346.60	Penalty for violating Sections 346.57 to 346.595	18.11
346.61	Applicability of sections relating to reckless and drunken driving	
346.62(1) and (3)	Reckless driving – first offense in four years	
346.63(1), (3) and (4)	Operating under “influence” of intoxicant – first offense in five years	
346.64	Employment of drunk operators – first offense in a year	
346.65(1) and (2)	Penalty for violating Sections 346.62 to 346.64	
346.66	Applicability of sections relating to accident and accident reporting	
346.68 and 346.69	Duty upon striking unattended vehicle – upon striking property on or adjacent to highway – first offense within a year	
346.70(1), (2) or (3), 346.71, 346.72, 346.73	Duty to report accident, etc.	
346.70(4)	Police and traffic agencies to report	
346.70(5)	Falsifying reports – first offense within a year	
346.77 to 346.81	BICYCLES AND PLAY VEHICLES	
346.82	Penalty for violating Sections 346.77 to 346.81	
346.87 to 346.94	MISCELLANEOUS RULES	
346.95	Penalty for violating Sections 346.87 to 346.94	
347.01 to 347.05	GENERAL PROVISIONS	
347.06 to 347.29	LIGHTING EQUIPMENT	
347.30	Penalty for violating lighting equipment requirements	
347.35 to 347.49	OTHER EQUIPMENT	
347.50	Penalty for violating Sections 347.35 to 347.49	
348.01 to 348.02	SIZE, WEIGHT, LOAD – General provisions	
348.05 to 348.10	SIZE AND LOAD	
348.11	Penalty for violating size and load limitations	

348.15 to 348.20 WEIGHT
348.21 Penalty for violating weight limitations

18.11

348.25 to 348.27 PERMITS
348.28 Permits to be carried - PENALTY

State statutes adopted by reference - Negligent or drunken driving.
There are adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this title shall be as provided in chapters 340 to 348 of the Wisconsin Statutes, and the penalty for violation thereof shall be limited to a forfeiture.

942.01(1) Negligent operation of vehicle off highway
947.045 Drinking in motor vehicle on highway

PENALTY. The penalty for violation of any provision of this section shall be not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars.

This section shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, section 299, and section 66.12 of the Wisconsin Statutes.

Enforcement - Stipulation of guilt or no contest - Permissible when.
Stipulations of guilt or no contest may be made by persons arrested for violations of this title, in accordance with Section 66.12(1)(b) of the Wisconsin Statutes, whenever the provisions of Section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Section 345.11 of the Wisconsin Statutes, and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the police department.

Enforcement - Stipulation of guilt or no contest - Deposits. Any person stipulating guilt or no contest under this section must make the deposit required under Section 345.26 of the Wisconsin Statutes or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the chief of police and approved by the Village Board. Deposits may be brought or mailed as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the police department.

Enforcement - Receipt of moneys by officer - Recordkeeping duty. Every officer accepting a forfeited penalty or money deposit under this section shall receipt therefor in triplicate as provided in Section 356.26(3)(b) of the Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this section shall comply with the provisions of Sections 343.27, 343.28,

345.26(1)(a) and 345.27 of the Wisconsin Statutes, 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 Section 345.11 of the Wisconsin Statutes.

18.11 - 18.12

Enforcement - Receipt of moneys by officer - Delivery - Oath. Any officer accepting deposits or forfeited penalties under this section shall deliver them to the Village treasurer within twenty days after receipt. Any officer authorized to accept deposits under Section 345.26 of the Wisconsin Statutes or this section shall qualify by taking the oath prescribed by Section 19.01 of the Wisconsin Statutes and filing an official bond of one thousand dollars as described by Section 19.01 of the Wisconsin Statutes.

Penalty - Generally. The penalty for violation of any provision of this section shall be a forfeiture, together with the cost of prosecution imposed as provided in Sections 345.20 to 345.53 of the Wisconsin Statutes.

Penalty - Uniform offenses. Forfeitures for violation of any provision of chapters 341 to 348 of the Wisconsin Statutes adopted by reference shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses. (Ord 55, 1972)

Section 18.12 Winter parking

When signs have been placed or erected at or reasonably near the corporate limits of the Village of Readstown on all State and County trunk highways and connecting highways as the latter are defined in the Wisconsin Statutes, which signs shall inform of the night parking restrictions herein, no person shall park a vehicle, nor shall the owner of a vehicle allow the same to be parked from November 1 to March 31st on 4th St (Hwy 131) between the hours of 2am-6am. (Ordinance 121307.2)

During the period from November 1 to March 31st whenever there is a measurable amount of snow during the night, all vehicles must be removed from village streets by 5 a.m. the following morning to allow the clearing of snow by the public works department. (Ordinance 121307.2)

A law enforcement officer may move a vehicle parked in violation of this section, or contract to move such vehicle, to a storage premises, pursuant to section 349.13 of the Wisconsin Statutes.

A person who violates this section shall be required to forfeit \$10 if paid at the Village office the next business day after the citation is issued, \$20 if paid

at the Village office after the next business day after the citation is issued and on or before the fourteenth calendar day after the citation is issued, \$50 if paid at the Village office after the fourteenth calendar day after the citation is issued and on or before the thirtieth calendar day after the citation is issued, and if not by then paid, not less than \$50.00 nor more than \$200.00 for a first offense, and not less than \$100.00 nor more than \$300.00 for a second and each subsequent offense, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days.

Section 18.13

Operation of Golf Carts

(1) Authority. This ordinance is created pursuant to and as authorized by § 349.18(1m), Wis. Stats.

(2) Definition. A golf cart is a motor vehicle designed to:

- (a) Carry only a specific number of persons safely, including the driver.
- (b) Carry golf equipment.
- (c) Have not less than three wheels in contact with the ground.
- (d) Operate at a maximum speed of 15 mph.
- (e) Weigh no more than 1,300 pounds unladen (empty).

(3) Operation of Golf Carts. Any person with a valid motor vehicle operator's license may operate a golf cart on any street within the Village with a speed limit of no greater than 25 mph. No golf cart may be operated on or across a state highway or connecting highway. Operation of a golf cart on a public street is subject to the following:

- (a) The Owner of the golf cart must register the golf cart with the Readstown Police Department and must be 18 years of age or older with a valid Wisconsin Drivers License.
- (b) The golf cart shall not be operated at speeds in excess of 15 mph.
- (c) Golf carts may only be operated 1 hour after sunrise to 1 hour before sunset.
- (d) Golf carts may only be operated between April 1st and November 1st.
- (e) The golf cart shall have a slow moving vehicle emblem installed on the rear of the golf cart and it must be clearly visible at all times.
- (f) The golf cart shall be equipped with a rear view mirror and side mirrors.
- (g) The golf cart may only be operated on the right hand side of any village street to travel with the flow of traffic.

(4) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(5) Penalties. The forfeiture for violation of this section shall be \$20.00 together with applicable court costs, fees and assessments.

Section 18.14 Main Street, parking regulated

No person shall park a vehicle, nor shall the owner of a vehicle allow the same to be parked on the South side of West Main Street, between Railroad and 4th Streets, from November 1 through March 31.

Any Person who violates this section shall be required to forfeit not less than \$50.00 nor more than \$100.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days.

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Title 19
(Reserved)

Title 20
Water and Sewers

Sections:

- 20.01 Well Abandonment
- 20.02 Cross Connection Control Program
- 20.03 Preliminary treatment for certain waste
- 20.035 Sewer Use & Sewer Service Charges.
- 20.04 Sewer service rates
- 20.05 Tax for water utility

Section 20.01 Well Abandonment

- (1) **Title/Purpose.** As Chapter NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, by local ordinance or water utility rule, to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections, the Village adopts this Ordinance to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (2) **Applicability.** This Section applies to all wells located on premises served by the Village of Readstown municipal water system.

(3) **Definitions.** For purposes of this Section, the following terms shall have the following meanings:

- (a) "Municipal water system" means the system for the provision to the public of piped water for human consumption within the Village of Readstown provided such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year round residents owned or operated by a city, village, town, town sanitary district, utility district, or public institution as defined in Section 49.10(12)(f)1., *Wis. Stats.*, or privately owned water utility serving any of the above.
- (b) "Noncomplying" means a well or pump installation which does not comply with the provisions of Chapter NR 812 of the Wisconsin Administrative Code in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.
- (c) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground

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connections; pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.

- (d) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances contrary to the standards in Chapters NR 809 845 of the Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
- (e) "Unused" means a well or pump installation which is not in use or does not have a functioning pumping system.
- (f) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (g) "Well abandonment" means the filling and sealing of a well according to the provisions of Chapter NR 812 of the Wisconsin Administrative Code.

(4) **Abandonment Required.** All wells or pump installations located on premises served by the municipal water system and which are unused, unsafe or fail to comply with Chapter NR 812 of the Wisconsin Administrative Code, shall be abandoned in accordance with the terms of this Section and Chapters NR 811 and 812 of the Wisconsin Administrative Code no later than one (1) year from the date of connection to the municipal water system; provided, however, that a well operation permit may be obtained by the well owner from the Village of Readstown if the conditions specified in Subsection (e) are met.

(5) **Well Operation Permit.** The Village Board may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years provided the conditions of this Subsection are met. The Village, or its agents,

may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation are safe and meet or are upgraded to meet the requirements of Chapter NR 812 of the Wisconsin Administrative Code;
- (b) The well and pump installation shall be evaluated by a licensed well driller or pump installer and certified to comply with Chapter NR 812, subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards.
- (c) The well construction and pump installation produce bacteriological safe water as evidenced by at least two (2) consecutive safe samplings taken a minimum of two (2) weeks apart prior to issuing or reissuing the permit to establish that the water is safe for human consumption. No exception to this condition may be made for unsafe wells unless the Wisconsin Department of Natural Resources approves the continued use of the well in writing;
- (d) There are no cross connections between the well and pump installation and the municipal water system; and
- (e) The owner demonstrates a need for continued current use of the well and pump installation.

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- (f) Written documentation of the well and pump inspection indicating compliance with ch. NR 812 requirements must be maintained using standardized forms provided by the Department of Natural Resources.

(6) **Abandonment Procedures.**

- (a) Applicable Procedures and Methods. All wells abandoned that are subject to this Section shall be abandoned according to the procedures and methods specified in Chapter NR 812 of the Wisconsin Administrative Code. All debris, pumps, piping, ungrouted liner pipe, and any other obstructions known to be in the well shall be removed if possible before the well is permanently abandoned per the provisions of Section NR 812.26(6) of the Wisconsin Administrative Code.
- (b) Notice. The owner of the well, or the owner's agent, shall notify the Village Clerk-Treasurer at least forty-eight (48) hours prior to the commencement of any well abandonment or any abandonment activities. The abandonment of the well shall be observed by the Village Water Superintendent.
- (c) Qualifications. Any well abandonment must be completed by a person qualified under Wis. Stat. sec. 280.30(2).
- (d) Report. An abandonment report form supplied by the Wisconsin Department of Natural Resources shall be submitted by the well owner to the Village Clerk-Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

(7) **Penalties.** Any well owner violating any provision of this Section shall on conviction be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus the costs of prosecution and any all applicable surcharges and assessments. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the Village may cause the well abandonment to be performed and assess the expense of the same as a special charge against the property pursuant to Section 66.0627 or Section 66.0703, *Wis. Stats.* (Ord. No. 031011.1)

Section 20.02 Cross Connection Control Program.

(1) In order to protect the public water supply system, the Village of Readstown hereby establishes a comprehensive cross connection control program for the elimination of all existing unprotected cross connections and prevention of all future unprotected cross connections to the last flowing tap or end-use device. Low hazard areas consist of normal kitchen and bathroom fixtures. The water supplier shall keep a current record of the cross connection control program available for annual review by the department. The cross connection control program shall include:

(2) **Definition.** "Cross connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Readstown water system, and other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals,

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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.

(3) **Prohibition.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any unprotected 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 Village of Readstown may enter the supply or distribution system of the Village of Readstown, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have prior approval by the Water Department of the Village of Readstown and the Wisconsin Department of Natural Resources in accordance with Section NR 810.15(2), Wisconsin Administrative Code.

(4) **Program Schedule/Duty to Inspect.** It shall be the duty of the Village Board of the Village of Readstown to cause surveys/inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible. Unless otherwise authorized by the Department of Natural Resources, a survey/inspection shall be conducted for every residential service a minimum of once every ten years or on a schedule matching meter replacement. A

survey/inspection shall be conducted for every industrial, commercial and public authority service a minimum of once every 2 years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. Completed survey/inspection results shall be maintained by the Water Utility until corrections and follow up surveys/inspections have been made.

(5) **Entry for Purposes of Inspection.** Upon presentation of credentials, a representative of the Village of Readstown shall have the right to request entry at any reasonable time to examine a property served by a connection to the public water system of the Village of Readstown for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 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.

(6) **Discontinuance of Service.** The Village of Readstown Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section 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 Chapter 68, *Wis. Stats.*, except as provided in Subsection (7) of this Section. Water service to such property shall not be restored until the cross connection/connections has or have been eliminated in compliance with the provisions of this Section.

(7) **Immediate Discontinuance of Service.** If it is determined by Water Department of the Village of Readstown that a cross connection or an emergency

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endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the Village of Readstown and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, *Wis. Stats.*, within ten (10) days of such emergency discontinuance.

(8) **Methods and Devices.** The methods and devices used to protect the water supply of the Village shall be as described in and shall comply with the State Plumbing Code of Wisconsin, being Chapter COMM 82.41 of the Wisconsin Administrative Code, which is adopted herein by reference. (Ord. No. 031011.2)

Section 20.03

Preliminary treatment for certain waste

Grease, oil, and sand interceptors, or other treatment equipment and/or means, shall be provided when, in the opinion of the Village Board they are

necessary for proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured materials and shall maintain records of the dates, and means of disposal which are subject to review by the Village of Readstown. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms. (Ord No. 220, 2000)

Section 20.035 Sewer Use & Sewer Service Charges.

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; and levying and collection of sewer service user charges, in the Village of Readstown, County of Vernon, State of Wisconsin.

Article I - Definitions

Section 101 APPROVING AUTHORITY shall mean the Village Board of Trustees or its duly-authorized agent or representative.

Section 102 BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

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Section 103 BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Section 104 BUILDING SEWER shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

Section 105 CATEGORY A shall be those sanitary sewers users who discharge normal domestic strength wastewater with concentrations of BOD, suspended solids, TKN, and phosphorus no greater than

the concentrations identified as domestic strength in the current user charge system.

Section 106 CATEGORY B shall be those sanitary sewer users who discharge wastewater with concentrations in excess of domestic strength wastewater as identified in the current user charge system. Users whose

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wastewater exceeds the concentration for any one of these parameters shall be in Category B.

Section 107 CHLORINE REQUIREMENT shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a chlorine residual as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

Section 108 COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

Section 109 COMPATIBLE POLLUTANTS shall mean BOD, suspended solids, phosphorous, ammonia, nitrogen, TKN, pH or fecal coliform bacteria, plus additional pollutants identified in the Municipality's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

Section 110 EASEMENT shall mean an acquired legal right for the specified use of land owned by others.

Section 111 FLOATABLE OIL is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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Section 112 GARBAGE shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

Section 113 GROUND GARBAGE shall mean the residue from the preparation, cooling, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch in any dimension.

Section 114 INCOMPATIBLE POLLUTANTS shall mean wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

Section 115 INDUSTRIAL WASTE shall mean any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment or process or from the development, recovery or processing of natural resources. Such term includes any wastewater which is not sanitary sewage.

Section 116 INFILTRATION shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section 117 INFLOW shall mean the water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and/or combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from infiltration.

Section 118 LICENSED DISPOSER shall mean a person or business holding a valid license to do septage servicing under NR 113.

Section 119 MUNICIPALITY shall mean the Village of Readstown.

Section 120 NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface water or ground water.

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Section 121 NITROGEN shall mean ammonia nitrogen, expressed in mg/l of NH_3N . Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods".

Section 122 NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD, suspended solids, TKN, and phosphorus no greater than the concentrations identified in the current user charge system.

- Section 123 OPERATION & MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time, by the Municipality.
- Section 124 PERSON shall mean any and all persons, including any individual, firm, company, municipality or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- Section 125 pH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- Section 126 PHOSPHORUS shall mean total phosphorus and is expressed in mg/l of P (phosphorus).
- Section 127 PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharge in or otherwise introducing such pollutants into a wastewater system.
- Section 128 PRIVATE SEWER shall mean a sewer which is not owned by the Village or Utility.
- Section 129 PUBLICLY OWNED TREATMENT WORKS (POTW) A treatment works including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the Municipality that owns and operates the facilities.
- Section 130 PUBLIC SEWER shall mean any publicly owned sewer, storm drain, sanitary sewer or combined sewer.
- Section 131 REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary

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during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

- Section 132 SANITARY SEWAGE shall mean combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.
- Section 133 SANITARY SEWER shall mean a sewer that carries sewage or wastewater.
- Section 134 SEPTAGE shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- Section 135 SEWAGE is the spent water of a person or community. The preferred term is "wastewater".
- Section 136 SEWER shall mean a pipe or conduit that carries wastewater or drainage water.
- Section 137 SEWER SERVICE CHARGE is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs and other expenses or obligations of said facilities.
- Section 138 SEWER SERVICE CHARGE SYSTEM shall have the same meaning as user charge system as referred to in NR. 162 of the Wisconsin Administrative Code.
- Section 139 "SHALL" is mandatory; "MAY" is permissible.
- Section 140 SLUG shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment facility.
- Section 141 STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- Section 142 STORM SEWER OR DRAIN shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

- Section 143 SUSPENDED SOLIDS (SS) expressed in mg/l shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.
- Section 144 TKN (Total Kjeldahl Nitrogen) shall mean the sum of organic nitrogen and ammonia nitrogen.
- Section 145 UNPOLLUTED WATER is water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.
- Section 146 USER CHARGE SYSTEM shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
- Section 147 UTILITY shall mean the Village of Readstown Sewer Utility, also known as the Village of Readstown Sewer Department.
- Section 148 WASTEWATER shall mean the spent water of a community or person. From the stand point of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.
- Section 149 WASTEWATER COLLECTION FACILITIES (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater.
- Section 150 WASTEWATER TREATMENT FACILITY shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.
- Section 151 WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT, is a document issued by the State of Wisconsin which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

Article II - Management, Operation, and Control

- Section 201 The management, operation and control of the sewer system for the Village is vested in the Approving Authority; all records, minutes, all written proceedings and all the financial records thereof shall be kept by the Village Clerk of the Village of Readstown.
- Section 202 CONSTRUCTION. The Sewer Utility of the Village shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, street, and public grounds within the Village boundaries; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Approving Authority shall have the power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Approving Authority shall have power to purchase and acquire for the Utility all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- Section 203 MAINTENANCE OF SERVICES. The Owner shall maintain sewer service from the property line to the house including all controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building unless prior approval has been provided by the Approving Authority.
- Section 204 CONDEMNATION OF REAL ESTATE. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Approving Authority be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, Approving Authority shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation Property Acquisition Policy Act of 1970, if Federal Funds are used.
- Section 205 TITLE TO REAL ESTATE AND PERSONALITY. All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books

and records collected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the Village.

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Section 206 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the Utility must be notified in writing. The Owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

Section 207 EXTENSIONS OF THE SEWER SYSTEM. The cost of the installation of sanitary sewers to be connected to the Utility sewer system shall be borne by the property owner of the land to be served. All installations shall be in accordance with Wisconsin Administrative Code 110 and the requirements of the Village and Utility. Plans and specifications shall be designed and stamped by an engineer and paid for by the property owner. A written approval obtained from the Utility is required before construction is initiated.

Section 208 USER RULES AND REGULATIONS. The user rules, regulations and sewer rates of the Utility are a part of the contract between the Utility and every user. Every person who connects to the Utility sewer system is deemed to have consented to be bound by such rules, regulations, and rates. In the event of violation of the rules or regulations, the water and/or sewer service to the violating user shall be shut off (even though two or more parties are receiving service through the same connection). Water and sewer service shall not be re-established until all outstanding sewer utility bills, and shut off and reconnection charges, are paid in full, and until such other terms and conditions as may be established by the Village Board are met. In addition to all other requirements, the Village Board shall be satisfied that the offender will not continue in violation of the rules and regulations before authorizing reconnection of the offender's services. The Village Board may change the rules, regulations, and sewer rates from time to time as it deems advisable, and may make special rates and contracts in all proper cases.

Section 209 MAINTENANCE OF SERVICES. The Utility shall maintain sewer service within the limits of the Village from the street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the property owner,

in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

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When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer shall be installed for each building unless prior approval has been provided by the Approving Authority.

Article III - Construction & Use of Public Sewers & Laterals

Section 301 PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin, except in cases where State law permits building owners to do their own work without being licensed.

Section 302 NEW CONNECTIONS. A new connection to the Municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater treatment facilities. No new connections to the Municipality's Sanitary Sewer will be allowed for areas outside of the Municipality's corporate limits without approval of the Approving Authority.

Section 303 USERS.

- a. Application for Service. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the Approving Authority. Every person connecting with the sewer system shall file an application in writing to the Utility in such form as is prescribed for that purpose. Blanks for such applications will be furnished by the Village Clerk. The application must state fully and truly all the use which will be allowed. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

The application may be for service to more than one building, or more than one unit of service through one service connection, only if previously approved by the State of Wisconsin Department of Industry, Labor and

Human Relations (Department of Commerce) and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Utility may reject the application. If the Utility shall approve the application, it shall issue a permit for services as shown on the application.

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- b. Permits. After sewer connections have been completed in a building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such work shall exhibit the proper permit.
- c. User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
- d. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
- e. User to Permit Inspection. Every user shall permit the Village Board, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- f. Utility Responsibility. The Village and its agents and employees shall not be liable for damages occasioned by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the water and sewer service at any time for the purpose of repairs, or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Village, the Village shall, if practicable, give notice to each and every consumer within said Village, of the time when such service will be so shut off.

- g. Permit Fees. A connection permit shall be obtained from the Utility prior to connecting any piping to the laterals or mains. The fee for this permit shall be as stated in the current sewer service charge system.

Section 304 USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements for this Ordinance.

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Section 305 MATERIALS & METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Municipality's building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Section 306 BUILDING SEWER GRADE. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 307 EXCAVATIONS

- a. In making excavations in street or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- b. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- c. Excavations shall be backfilled in accordance with the Village approved Specifications. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the area as good, at least, as before it was disturbed, and satisfactory to the Village, County and State. No opening of the streets for tapping the pipes will be permitted when the ground is frozen, except when necessary.

- d. A permit from the Village or other appropriate governmental body shall be obtained prior to excavating in any street, alley, or other public way. Such permit shall be obtained and exhibited to the plumbing inspector, or duly authorized agent or representative of the Approving Authority, before a plumbing permit will be issued.

Section 308 TAPPING THE MAINS

- a. No person, except those having special permission from the Utility, or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection

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pipes. The kind, type, and size of the connection, and the pipe, shall be that specified in the permit or order from said Village.

- b. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Municipality or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.
- c. The person making a connection to a public sewer shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Approving Authority.
- d. Pipes should always be tapped on the top, and not within 18 inches (45 cm) of the joint, or within 36 inches (90 cm) or another lateral connection.
- e. All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion resistant straps or rods, or with solvent welded joints in the case of plastic pipe.

Section 309 SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, ground

water, roof run off, subsurface drainage, or cooling water to any sanitary sewer.

Section 310 STORM SEWERS. Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the Approving Authority and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.

Section 311 PROHIBITIONS & LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

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b. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

c. Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e. The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on

the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

- (1) Wastewater having a temperature higher than 150°F (65°C).
- (2) Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.

- (4) Any un-ground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state, or local authorities.
- (6) Any waters or wastes containing odor producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule or regulation.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
- (8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (9) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids or create a condition deleterious to structures and treatment processes.
- (10) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (c) Unusual concentrations of inert suspended solids (such as, but limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

- (d) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (11) Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations by the Environmental Protection Agency (EPA), 40 CFR 403, as amended from time to time.

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Section 312 WPDES PERMIT. No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the Municipality's WPDES permit and any modifications thereof.

Section 313 SPECIAL ARRANGEMENTS. No statement contained in this Ordinance shall be construed as prohibiting any special agreement between the Approval Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Municipality without recompense by the person; and further provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

Section 314 USE OF PUBLIC SEWERS REQUIRED.

- a. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of said Approving Authority, any human or animal excrement, garbage or objectionable waste.
- b. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Approving Authority, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater:
 - (1) The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the

Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within three hundred and sixty-five (365) days after date of official notice to do so, provided said public sewer is within 100-feet (30.5-meters) of the property line. Upon failure to do so the Village may cause such connection to be made

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and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written request with the Utility stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments, and that the amount shall be so collected with interest at the rate of 12% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 281.45 Wisconsin Statutes.

- (2) In lieu of the above, the Utility at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the average residential charger for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 Wisconsin Statutes.

Section 315 PRIVATE WASTEWATER DISPOSAL.

- a. Where a public sanitary sewer is not available under the provisions of this ordinance, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

- b. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Approving Authority. The application for such permit shall be made on a form furnished by the Approving Authority, which the applicant shall supplement by any plans, specifications and other information such as county or State approvals/permits, as are deemed necessary by the Approving Authority. A permit and inspection fee of \$450.00 shall be paid to the Approving Authority at the time the application is filed.
- c. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. The Approving Authority shall be allowed to inspect the work at any stage of construction and, in the event, the applicant for the permit shall notify the

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Approving Authority when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48-hours of receipt of notice by the Approving Authority.

- d. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Wisconsin Department of Commerce and Vernon County. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- e. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this ordinance, a direct connection shall be made to the public sewer within 90-days in compliance with this ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of wastewater and sludge, and properly abandoned.
- f. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Approving Authority. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the local, county, or State health officer.

Section 316 DAMAGE OR TAMPERING WITH SEWAGE FACILITIES. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facility. Any persons

violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

Section 317 STORM & GROUND WATER DRAINS. No person shall make connection of roof downspout, exterior foundation drains, area-way drains or other sources of surface runoff or ground water to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

All existing downspout or ground water drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within sixty (60) days of the date of an official written notice from the Approving Authority.

Article IV - Control of Industrial Wastes Directed to Public Sewers

Section 401 SUBMISSION OF BASIC DATA. The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Approving Authority, at such times as it determines, a report that shall include pertinent data relating to the

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quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers.

Section 402 INDUSTRIAL DISCHARGES. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article III, and which in the judgment of the Approving Authority have a deleterious effect upon the wastewater treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Require control over the quantities and rates of discharge.
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Ordinance.

Section 403 DILUTION PROHIBITION. No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement.

Section 404 SPILL PREVENTION AND SLUG CONTROL PLANS.

- a. (1) Industrial users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the POTW before construction of the facility.
- (2) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of this ordinance unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

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- b. The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - (1) Description of discharge practices, including non routine batch discharges;
 - (2) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition of this Ordinance, with procedures for follow-up written notification within five days;
 - (3) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

Section 405 NOTIFICATION.

- a. (1) In the case of any discharge in violation of this ordinance or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug loadings, as defined by this ordinance, the industrial user shall immediately notify the POTW or the Village Clerk of the discharge by telephone. The notification shall include:
 - (a) the date, time, location and duration of the discharge
 - (b) the type of waste including concentration and volume; and
 - (c) any corrective actions taken by the user
- (2) Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- (3) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this ordinance or other applicable State or federal law.

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- b. Notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12.

Section 406 EMPLOYEE TRAINING. The industrial user shall permanently post a notice in a prominent place advising all employees to call the POTW in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

Section 407 RECORDS.

- a. Users shall retain and make available upon request of authorized representatives of the POTW, the State, or the EPA all records required to be collected by the user

pursuant to this ordinance or any permit or order issued pursuant to this ordinance.

- b. These records shall remain available for a period of at least three (3) years after their collection.
- c. This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions.

Section 408 ANALYTICAL REQUIREMENTS. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.

Section 409 CONFIDENTIAL INFORMATION.

- a. Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a

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determination is made by the POTW. Effluent data shall be available to the public without restriction.

- b. When the person furnishing a report satisfies the POTW that such person has made the demonstration required by (a), the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this ordinance, the WPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

Section 410 RIGHT OF ENTRY. Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this ordinance. Industrial Users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW, State, and EPA to enter and inspect the premises as guaranteed by this paragraph.

Section 411 CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall meet the following minimum guidelines:

a. A minimum 6' diameter manhole with steps and a bench for setting of equipment shall be installed. These manholes shall have a minimum 24" diameter opening with cast iron manhole cover or lockable lid. These sampling manholes shall be located at least 15 feet downstream of any bends, junctions or manholes. Maximum slope of upstream pipe shall be 2%.

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b. All manholes shall be installed with flow measuring devices such as a Parshall flume, Palmer Bowlus flume, subsonic flume, or other suitable device as approved by the Approving Authority. An integral staff gauge shall be provided with each unit with measurements in hundredths of a foot. Flume size and type depends on flow rates anticipated and accuracy desired.

c. A flow metering device shall be provided. The metering device shall be a bubbler, ultrasonic or subsonic device as approved by the Approving Authority. Flow shall be indicated, totalized, and recorded. A 4-20 mA signal or

pulse proportional to flow shall be outputted to a sampler for flow proportional sampling.

- d. A refrigerated flow proportional sampler shall be furnished, suitable for composite or hourly sampling (24 intervals).
- e. Plans for the aforementioned facilities shall be prepared by a licensed professional engineer.
- f. Plans, specification and hydraulic calculations shall be submitted to the Approving Authority.

Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times.

Section 412 HAZARDOUS WASTE NOTIFICATION.

- a. Any Industrial User, except as specified in subpart (e) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW in writing of such discharge.
- b. All hazardous waste notifications shall include:
 - (1) The name of the hazardous waste as set forth in 40 CFR part 261;
 - (2) The EPA hazardous waste number;
 - (3) The type of discharge (continuous, batch, or other); and
 - (4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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- c. In addition to the information submitted in subpart (b) above, Industrial Users discharging more than 100 kg of hazardous waste per calendar month to the POTW shall obtain to the extent such information is known and readily available to the Industrial User;
 - (1) An identification of the hazardous constituents contained in the waste;
 - (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and

- (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
- d. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted in accordance of this Ordinance.
- e. Industrial Users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one time notification.

Section 413 MEASUREMENT OF FLOW. The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department or Utility except as noted in Section 414 Metering of Waste.

Section 414 METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

Section 415 WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes.

The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

Section 416 PRETREATMENT. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants.

In that event, such persons shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the sanitary sewers.

Section 417 GREASE, OIL & SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this Ordinance, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's(s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) rules and regulations.

Section 418 ANALYSES. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal

Regulations of 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time. Sampling methods, location, time, durations and frequencies are to

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be determined on an individual basis subject to approval of the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the Approving Authority at the cost of the discharger. The Approving Authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.

Section 419 SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

Article V - Basis For Sewer Service Charges

Section 501 SEWER USERS SERVED BY WATER UTILITY WATER METERS. There is no levy or assessment upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, or a sewer service charged based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

Section 502 SEWER USERS SERVED BY PRIVATE WELLS. There is no levy or assessment upon each lot, parcel of land, building or premises having a connection with the wastewater collection system which procures any part or all water used from sources other than the Water Utility, all or part of which is discharged into the wastewater collection system, or a sewer service charge based, in part, on the quantity of water used, as measured by a water meter. The property owner is not required to furnish, install and maintain at his expense, water meters of a type approved by the Approving Authority for the purpose of determining the volume of wastewater discharged to the wastewater collection system.

Section 503 DEDUCT METERS. If a user feels that a significant amount of metered water does not reach the sanitary sewer, the user may avail himself of one of the following options:

- a. He may request the Approving Authority to have such additional meters or metered services installed as are necessary to calculate the volume of water not discharged to the sanitary sewer (i.e., a "deduct" meter); or, he may request the Approving Authority to

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have a meter installed to measure the actual amount of sewage discharged to the sanitary sewer (i.e., a "sewage" meter). Requests for a second meter or metered services must be made in writing to the Approving Authority. In the event the Approving Authority agrees to such installations, the customer shall be charged all costs attendant thereto including, but not limited to; a meter yoke for each meter (to be installed by a licensed plumber); meter rental (the meter will be owned by the Village and subject to access and inspection by the Village personnel at all reasonable times) in an amount set annually by the Approving Authority; remote reading device(s) if necessary; and labor and miscellaneous parts and supplies. No provision shall be made, nor shall any means be taken, to route water from any "deduct" meter to the customer's general distribution system. In addition to the general penalties set forth in this Ordinance, any violation of this section will result in nullification of the deduct readings and removal of the deduct meter.

- b. In the event it is physically impractical or impossible to install metering equipment, he may request the Approving Authority to take such means as it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system, or, conversely, the amount of actual sewage discharged thereto.

Section 504 EQUIVALENT DOMESTIC UNIT. Equivalent Domestic Unit (EDU), also known as a Residential Equivalent Unit (REU), shall mean the unit of measurement of wastewater discharge or potential discharge, approximately equal to the flow and waste constituent concentrations emanating from a typical single family residence. The number of Equivalent Domestic Units for various user types shall be determined by the Approving Authority, and shall be the basis for distributing capital costs as well as operation, maintenance, and replacement costs for the POTW.

Article VI - Amount of Sewer Service Charges

Section 601 SEWER SERVICE CHARGE UNIT COSTS. The unit costs for the sewer service charge shall be as defined in section 20.04 of this Code.

Section 602 CATEGORY "A" SEWER SERVICE CHARGE. The sewer service charge for Category "A" sewer users with normal domestic strength wastewater shall be as defined in section 20.04 of this Code.

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Section 603 CATEGORY "B" SEWER SERVICE CHARGE. The sewer service charge for Category "B" sewer users shall be as defined in section 20.04 of this Code.

The Category "B" sewer service charge shall be computed in accordance with the formula presented below:

$$T = FQ + (V \times C_v) + .00834 V (B \times C_B + S \times C_S + TKN \times C_{TKN} + P \times C_p)$$

Where:

T = Total sewer service charge

FQ = Fixed quarterly charge

B = Concentration of BOD in mg/l in the wastewater in excess of domestic strength.

S = Concentration of SS in mg/l in the wastewater in excess of domestic strength.

TKN = Concentration of TKN in mg/l in the wastewater in excess of domestic strength.

P = Concentration of NH₃N in mg/l in the wastewater in excess of domestic strength.

V = Wastewater volume in 1,000 gallons

C_v = Cost per 1,000 gallons

C_B = Cost per pound of BOD

C_S = Cost per pound of SS

C_{TKN} = Cost per pound of TKN

C_p = Cost per pound of P

.00834 = Conversion factor

(The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD, SS, TKN or P.)

Domestic strength wastewater shall be as defined in the current sewer service charge system.

Section 604 REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs or other related information indicate a change of categories is necessary.

Section 605 OPERATION, MAINTENANCE & REPLACEMENT FUND ACCOUNTS. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Article I. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

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All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater facilities.

Section 606 DISPOSAL OF SEPTIC TANK SLUDGE & HOLDING TANK SEWAGE. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewage unless a permit for disposal has been first obtained from the Approving Authority. Written application for this permit shall be made to the Approving Authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be non-transferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit maybe obtained upon payment of a fee per calendar year. The amount of the annual fee shall be as established by the Approving Authority. The time and place of disposal will be designated by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted.

Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount as established by the Approving Authority to protect any and all persons or property from injury and/or damage .caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that they will comply with the provisions of any and all

applicable ordinances of the municipality and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids or other deleterious substances into the public sewers, nor allow any earth, sand or other solid material to pass into any part of the wastewater treatment facilities.

Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged a handling charge and a volume charge as defined in the current sewer service charge system.

The person(s) disposing wastes agrees to indemnify and hold harmless the municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.

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Section 607 CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the municipality's wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.

Section 608 FEES FOR INDUSTRIAL MONITORING. The POTW may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the POTW Pretreatment Program;
- b. Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the Industrial User;
- c. Fees for reviewing accidental discharge procedures and construction;
- d. Fees for permit applications including the cost of processing such applications;
- e. Fees for filing appeals;
- f. Other fees as the POTW may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the POTW.

Section 609 SPECIAL ASSESSMENTS.

- a. There is no Special Assessment levied or assessed upon each lot or parcel of land subsequently attached to the Village.
- b. Existing and Future Connections. For the purpose of this Ordinance, sewer connections in the Village shall be classified as existing connections or future connections. Existing connections shall be those in existence and connection for which a sewer connection permit has been issued and construction started as the date of enactment of this Ordinance. Future connections shall be those not in existence as of January 18, 2001.
- c. Scheduled of Charges. The Special Assessment for a single family residence shall be as established by the Approving Authority which shall also be the unit of charge for a residential equivalent connection. The Village Clerk shall determine the Residential Equivalency Units for all other categories of buildings. Special

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charges may be determined by the Approving Authority for large commercial or industrial users.
- d. Payments. There shall be no Special Assessment charge for existing connections.

Section 610 READY-TO-SERVE CHARGE. The owner of each premise to which sewer service has been provided by the Utility but not connected to the sewer system for sewer service shall pay for the availability thereof a "ready-to-serve charge". In the event connection is made mid-year, the owner shall be charged on a pro rata basis for that year in which such charge becomes effective.

Section 611 UNIQUE USERS. The Approving Authority may, at any time hereafter, establish additional rates for any large commercial service, industrial use or any other unique user that does not readily fit into other user categories.

Article VII - Billing Practice

Section 701 CALCULATION OF USER CHARGES. User charges shall be computed according to the formula presented in this Ordinance and according to section 20.04 of this Code.

Section 702 USER CHARGE BILLING PERIOD. User charges shall be billed quarterly.

Section 703 PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the Village for the sewer service charges shall pay such charges within twenty (20) days after the billing date.

Section 704 PENALTIES.

- a. Such charges levied in accordance with this Section shall be a debt due to the Approving Authority and shall be a lien upon the property. If this debt is not paid within 20-days of the date of the bill, interest of 1% per month of the unpaid balance shall be added to delinquent bills.
- b. In the event of failure to pay sewer service charges after they become delinquent, the Approving Authority shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.
- c. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a lien upon the property and may be recovered by civil action in the

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name of the Approving Authority against the property owner, the person or both.

- d. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.
- e. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- f. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- g. On October 15 in each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Utility shall furnish the Village Treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the Utility. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to

the rules of such Utility; that unless the same is paid by November 1, a penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears and penalty is paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to either owner or occupant at the post office address of such lot or parcel of real estate. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate. The delinquent account balance and the 10% penalty will be subtracted from Accounts Receivable and moved to the Tax Roll Accounts Receivable. The customer account balance will then be zero and no further charges on that delinquency will be added after it is levied as a tax.

Article VIII - Right of Entry, Safety & Identification

Section 801 RIGHT OF ENTRY. The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Ordinance.

Section 802 SAFETY. While performing the necessary work on private premises referred to in Section 801, the duly authorized Municipal employees shall observe all safety rules applicable to the premises established by the owner or the occupant.

Section 803 IDENTIFICATION - RIGHT TO ENTER EASEMENTS. The Approving Authority or duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

Article IX - Violations & Penalties

Section 901 WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Section, except Article VII, shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 902 ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system, which causes damage to the treatment facility and/or receiving body of water, shall, in addition to a fine, pay the amount to cover damages as established by the Approving Authority.

Section 903 CONTINUED VIOLATIONS. Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not more than \$1,000, together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed 30-days.

Each day in which any violation is continued beyond the aforesaid notice time shall be deemed a separate offense.

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Section 904 LIABILITY TO VILLAGE FOR LOSSES. Any person violating any provisions of this ordinance shall, in addition to any penalty or fine that may be assessed against them, become liable to the Approving Authority for any expense, loss or damage occasioned by reason of such violation which the Approving Authority may suffer as a result thereof.

Section 905 DIFFERENCES OF OPINION. The Board of Trustees of the Village shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this ordinance.

Section 906 ENFORCEMENT OF INDUSTRIAL PROVISIONS.

a. Notification of Violation. Whenever the POTW finds that any industrial user has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the Approving Authority or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Approving Authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

b. Civil Penalties.

(1) Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the POTW for a civil penalty of not more than \$1,000, plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the POTW may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.

(2) The Approving Authority shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take

into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the

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compliance history of the user, and any other factor as justice requires.

Article X - Appeals

Section 1001 PROCEDURES. Any user, permit application or permit holder affected by a decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Village Board. The written appeal shall be heard by the Village Board within thirty (30) days from the date of filing. The Village Board shall make a final ruling on the appeal within ten (10) days from the date of hearing.

Article XI - Validity

Section 1101 SUPERSEDING PREVIOUS ORDINANCES. This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges and sewer connections and construction shall replace and supersede all previous ordinances of the Municipality regarding sewer service charges.

Section 1102 INVALIDATION CLAUSE. Invalidity of any section, clause, sentence or provision in the Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

Section 1103 AMENDMENT. The Municipality, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

Article XII - Audit, Notification & Records

Section 1201 BIENNIAL AUDIT. The Municipality shall review, at least every two (2) years, the wastewater contribution of its sewer users, the operation, maintenance and replacement expenses of the wastewater treatment facilities, and the sewer service charge system. Based upon this review, the Municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

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- a. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based upon the wastewater volume and pollutant loadings discharged by the users.
- b. Generate sufficient revenue to pay the debt service costs and the total operation and maintenance costs necessary to provide for the proper operation and maintenance (including replacement) of the treatment works.
- c. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

Section 1202 ANNUAL NOTIFICATION. The Municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses, and debt service costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular bill.

Section 1203 RECORDS. The Municipality shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs and other information which is necessary to document compliance with 40 CFR 35, Sub-part E of the Clean Water Act.

Section 20.04

Monthly sewer service rates and requirements

Basis for sewer service charges. The sewer service charge shall be based upon a flat minimum fee plus a charge based upon metered water supplied to the user. Any person discharging sewage into the public sewer system that procures any part, or all, of his or her water from sources other than the Village Water Utility, the person shall furnish, install and maintain, at his or her expense, water meters of a type approved by the Water Utility for the purpose of determining the volume of sewage discharged to the sewage system; provided, however, that the Village will pay the cost of installation of a water meter installed not later than December 21, 2009; and provided, further, that upon failure to install such meter the Village may estimate the volume of water using any reasonable method, including comparison of comparable users with meters.

The following rates for sewer service are hereby established and imposed, effective beginning January 1, 2016, or the date after the next scheduled meter reading date after adoption of this amendment, whichever is later, the charges for which shall be a lien upon the premises served and assessed as a special tax if not paid when due. These charges shall be for any full or partial month of sewer usage.

SEWER SERVICE RATES:MONTHLY RATE:

Usage charge 1,000 gallons	9.00	per
Flat charge based on water meter size 1/2"	5/8" or 3/4" 1"	1
Each dwelling unit, apartment or single family Residence, one connection: 33.97	25.00	30.97
Each additional family, per building or structure: 33.97	25.00	30.97
Two family dwelling unit, apartment or double Family residence, one connection: 56.27	38.33	50.27
Hotel, rooming house, minimum charge (which shall also be at least double the rate for water consumption per meter):	38.33	50.27 56.27

	5/8" or 3/4" 1"	1.5"
Motels and cabin courts per motel unit or per cabin:	25.00	30.97 33.97
Laundromat, per washer:	25.00	30.97 33.97
Warehouses, including tobacco warehouses: 56.27	38.33	30.27
Commercial buildings, including retail stores, offices, gasoline filling stations, shops, taverns, restaurants Per stool and/or urinal:	25.00	30.97 33.97
Churches:	25.00	30.97 33.97
Non-profit organizations (proof of status required): 33.97	25.00	30.97

STANDBY RATE: Standby charges for the following lots or parcels of land for sewage facilities when such facilities are available to said lot or parcel, but are not connected: each lot or parcel upon which exists a livable structure, and each lot or parcel zoned to permit a mobile home whether or not a mobile home is upon the lot or parcel if a mobile home has ever been on the lot. If an existing mobile home is removed, then the owner will pay standby charges until another mobile home is placed on the lot if permitted consistent with Village zoning and State law. If the lot owner elects not to pay standby charges, (for example if the lot owner is not going to put another mobile home on the lot), then the standby charge will not be imposed while the lot is not occupied with a mobile home or other structure requiring sewer, however, the lot owner will be charged the applicable hook up fee when/if a mobile home is placed on the lot, or another structure requiring sewer is placed on the lot.

For each such lot or parcel: 25.00

Section 20.05 Tax for water utility

The Village Board recognizes that the water utility is liable for a tax equivalent to the Village.

The water utility shall pay \$500 annually to the general fund as its tax equivalent. (Ord 205, 1998)

Title 21
(Reserved)

Title 22
Subdivisions

Section:

22.01 Subdivision of land regulation

Section 22.01 Subdivision of land regulation

This section is intended to regulate and control the subdivision of land within the corporate limits of the Village of Readstown in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people, to conserve the value of buildings placed upon the land, and to achieve the objectives of chapter 236, Wisconsin Statutes.

This section applies to a "subdivision" as defined in this section. Excluded from the operation of this section are:

Transfers of interests in land by Will or pursuant to Court order;
Leases for a term not to exceed 10 years; and
The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this section or state law.

Definitions:

Final Plat: "final plat" shall mean a plat conforming to the requirements of section 236.20, Wisconsin Statutes.

Floodplain and Floodway: "Floodplain" and "Floodway" having the meaning established in the Village Flood Plain Ordinance.

Plat: A map of a subdivision.

Preliminary Plat: " Preliminary Plat" is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Subdivider: A person, firm, partnership, corporation, association, estate, trust or other legal entity having ownership interest in the land and requesting review or action on a subdivision.

Subdivision: "Subdivision" is a division of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or of building development, where:

The act of division creates 5 or more parcels or building sites of 1 1/2 acres or less in area; or

Five or more parcels or building sites of 1 1/2 acres each or less in area are created by successive divisions with a period of 5 years.

Village: The Village of Readstown.

No person shall create a subdivision in the Village except in accordance with this section and chapter 236, Wisconsin Statutes, as may be from time to time hereafter amended.

General Standards:

No land shall be divided or subdivided for a use which is unsuitable by reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the residents or users of the area, or harmful to the community.

Land shall be zoned for the uses a developer intends to put it to, before final plat approval. The developer must show that the intended use of a parcel of land is a permitted use or a conditional use in the zoning district in which the land lies.

The intended uses of a development and the final plat shall be consistent with any municipal master plan with the Village adopts.

Should the Village determine that the land is unsuitable for the intended use or development, the Village shall state its reasons in writing.

Design Standards:

General layout of lots, blocks, road, public areas and utilities shall follow and respect the natural contours of the land.

Streets and road:

Each lot shall have frontage access of at least 50 feet onto a public road.

Street and road design shall accommodate existing and planned street systems, the topography, streams, tree growth, existing and proposed land uses, and the public convenience, safety and welfare.

Minimum street right-of-way shall be 40 feet only in instances of unique topography or other similar restrictive conditions.

The arrangement of streets in a subdivision shall provide, where possible, for the continuation or appropriate projection of existing or proposed streets.

Local streets shall be laid out so as to discourage their use by through traffic.

Where a subdivision abuts or contains an existing or proposed arterial street, the Village Board may require marginal access streets, reverse frontage lots with screen planting contained in a nonaccess reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to separate through and local traffic.

The number of intersections along arterial streets shall be held to a minimum. Where practicable, the distance between such intersections shall be not less than 1,200 feet.

Street jogs with centerline offsets of less than 150 feet shall be avoided.

Cul-de-sacs shall not exceed 1,000 feet in length and shall provide a turn-around with a minimum right-of-way radius of 50 feet. The traveled way within the cul-de-sac shall provide a minimum radius of 40 feet.

Dead-end streets shall not be permitted without a suitable turn-around, if more than 4 lots abut it.

In commercial and industrial areas, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed.

The Village Board shall approve of the name of any street shown on the plat and shall disallow the use of a name which has already been used elsewhere in the area, or which, because of similarity, may cause confusion.

Streets and roads shall be designed to minimize erosion. To that end erosion control measures shall be included in the design and construction process.

Historic patterns of surface drainage shall be retained in designing lots and roads. If the design changes the contours of the land these changes shall not cause flooding of other lots, roads, or public areas. Drainage ways and easements shall be created as needed to carry out these standards.

Lot size and orientation shall conform to zoning, sanitary code, setback and floodplain requirements. Lots shall be oriented to encourage passive solar design.

Areas dedicated to public ownership shall be designed to be suitable for intended use.

Areas which are not in lots, streets or areas dedicated to public ownership shall be denominated as outlots, and there shall be clear indication of their intended ownership and use.

Area may be reserved for future public acquisition.

Suitable sites for public areas such as, but not limited to, parks, recreational area, parkways, public building areas or other public uses, but excluding schools, shall be provided in one or more of the following manners:

1. Dedication of eight percent (8%) of the total area of the subdivision.
2. Transfer of ownership by deed to the Village of the areas of land equivalent to the requirements of paragraph 1 above. (Ord 200, 1997)

When public parks and sites for other public areas, as shown on any Official Map, lie within the area proposed for development and are greater in area than required above, the owner shall reserve for acquisition by the Village through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year. (Ord 200, 1997)

The Village may require the subdivider to construct roads, sewers, water systems, culverts, curb and gutter systems, and drainage improvements, and to pay all the necessary engineering costs, including inspection costs.

The Village may require the posting of bonds, irrevocable letters of credit or other satisfactory assurance of construction which is to be performed after the final plat is approved. The guarantees shall be in an amount sufficient to assure that the work can be done.

It shall be the responsibility of the subdivider to assure that survey monuments placed by the surveyor are, in fact, installed at the conclusion of the project. The subdivider shall require contractors to replace all monuments moved or altered by their work. All utility easements shall contain the condition that the utility replace all monuments disturbed by the utility or its contractors.

Any person who violates this section shall be required to forfeit not less than \$100.00 nor more than \$1,000.00, together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days, except as otherwise provided in sections 236.30, 236.31, or 236.32, Wis. Stats. (1979); any remedy afforded therein to a Village is hereby adopted by reference.

The Village may grant waivers of monument placement pursuant to section 236.15 of the Wisconsin Statutes.

The Village may waive or vary other standards on the recommendation of the Plan Commission, if the applicant makes a showing of hardship or unique circumstances and the Village finds that the waiver will not damage the public interest. (Ord 114, 1980)

Title 23
(Reserved)

Title 24
Zoning

Sections:

24.01	Zoning
24.02	Mobile homes
24.03	Floodplain zoning
24.04	Well head protection
24.05	Fences

Section 24.01 Zoning

<u>24.01.01</u>	<u>Restrictions and Exceptions Applicable to All Districts</u>
<u>24.01.02</u>	<u>Conditional Uses</u>
<u>24.01.03</u>	<u>Nonconforming Premises and Uses</u>
<u>24.01.04</u>	<u>Zoning Districts designated.</u>
<u>24.01.05</u>	<u>Residence district.</u>
<u>24.01.06</u>	<u>Commercial district.</u>
<u>24.01.07</u>	<u>Public and Institutional district.</u>
<u>24.01.08</u>	<u>Park district.</u>
<u>24.01.09</u>	<u>Agricultural district.</u>
<u>24.01.10</u>	<u>Restricted mobile home district.</u>
<u>24.01.11</u>	<u>Flood plain district.</u>
<u>24.01.12</u>	<u>Zoning Administrator.</u>
<u>24.01.13</u>	<u>Zoning map and description of districts.</u>
<u>24.01.14</u>	<u>Board of Appeals</u>
<u>24.01.15</u>	<u>Definitions.</u>

Title. This ordinance shall be known and may be cited and referred to as the "zoning ordinance of the Village of Readstown, Wisconsin." (Ord No. 133, 1985)

Compliance. The use or development of any land, a change or alteration in the use of any land, and the use, change of use, alteration, construction, reconstruction, remodeling or expansion of any structure within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

Conflicting Provisions Repealed. All ordinances or parts or sections of ordinances in conflict herewith are hereby repealed in their entirety.

Purpose and Intent. The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics, comfort, and general welfare of this community. It is the general intent of this ordinance to regulate and restrict the use of all structures and lands; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, panic and other dangers, provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components.

Authority. These regulations are adopted pursuant to authorization contained in Sections 61.35 and 62.23 of the Wisconsin Statutes.

Interpretation, Greater Restrictions and Abrogation. Where any other Village ordinance is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or private deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.

Warning and Disclaimer of Liability. The degree of protection intended to be provided by this ordinance is considered reasonable for regulatory purposes. This ordinance does not imply that compliance will result in freedom from damages nor shall this ordinance create a liability on the part of or a cause of action against the Village or any officer or employee for any damage that may result from reliance on this ordinance.

24.01.01 Restrictions and Exceptions Applicable to All Districts. A.

No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by these regulations; no part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.

B. Every building erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main building on one lot except that in the commercial district, more than one main building may be permitted, as a conditional use, to be located on a lot provided that the lot is of such size there is at least one (1) acre of land per main building and all other requirements of the commercial zoning district are met. (Ord. 2011-3)

C. No building shall be erected, converted, enlarged, or structurally altered until served with municipal water and sewer, except upon such conditions as the Village Board may impose.

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D. Nothing contained in this section shall require any change in the plans, construction, size or designated use of any building or part thereof for which a building permit has been issued prior to the effective date of this ordinance, and the construction of which has been started within six months from the date of such permit.

E. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except when permitted in accordance with Village fence ordinance. (Ord. 051409)

F. No building or structure shall be permitted on any lot which does not abutting a public street, except upon such conditions as the Village Board may impose.

G. No sign shall be permitted in any residential district except "for sale" signs, except upon such conditions as the Village Board may impose. No sign partially or wholly unattached to any building shall be permitted in any business district except upon such conditions as the Village Board may impose.

24.01.02 Conditional Uses. It is the intent that some special uses be allowed as permitted uses if they are generally compatible with the land use intent of the district and if such special uses meets or can be adjusted to meet necessary conditions or performance standards which would make such special uses basically compatible with the permitted uses in the district. Only those uses listed as "conditional uses" in a district can be conditionally permitted. The Village Board may impose any conditions upon such special use in order to conform such special use as near as possible to permitted uses in the district.

24.01.03 Nonconforming Premises and Uses. The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform with the provisions of the ordinance. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed 50 per cent of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to this ordinance.

24.01.04 Zoning Districts designated. For the purpose of this section, the Village of Readstown is divided into the following zoning districts:

Residence district
Commercial district
Public and Institutional district
Park district
Agricultural district
Restricted Mobile Home district

24.01.05 - 24.01.06

24.01.05 **Residence district.**

(a) Permitted uses.

- (1) Residential, one family dwellings and attached garages.
- (2) Agricultural uses except those involving animals and fowl.

(b) Conditional uses.

- (1) Residential, multiple family dwellings.
- (2) Service businesses not involving the sale of goods.
- (3) Schools, churches, and municipal administration.

(4) On lots abutting U.S. Highways 14 and 61, and State Trunk Highway 131, and lots abutting the streets around the public square those businesses listed as “permitted uses” in the Commercial District.

(5) Automobile sales (Ord. 236, 2001)

(c) Building Height: Not over thirty five (35) feet.

(d) Side yard. Not less than ten (10) feet.

(e) Street setback (front yard). Not less than twenty-five (25) feet from the edge of existing pavement or traveled portion of the street, except for lots on U.S. Highway 14, the setback shall be fifty-eight (58) feet from the centerline of the pavement. (Ord 247, 2004)

(f) Rear yard. Not less than ten (10) feet.

24.01.06 **Commercial district.**

(a) Permitted uses. Any business except salvage operations, animal rendering, storage and warehousing, and businesses involving air, water or soil pollution or disturbances, and except those listed as “conditional uses”.

(b) Conditional uses.

- (1) Gasoline and service stations and vehicle repair businesses, taverns, night clubs, bowling alleys, warehouses, every additional main structure on a lot as provided for under section 24.01.01B, and roller skating rinks. (Ord. 2011-3)
- (2) Residential uses, schools, churches, and municipal administration.

24.01.06 - 24.01.08

- (c) Building height. Not more than fifth (50) feet.
- (d) Side yard. Not less than ten (10) feet.
- (e) Street setback (front yard). Not less than ten (10) feet.
- (f) Rear yard. Not less than ten (10) feet.

24.01.07 Public and Institutional district.

- (a) Permitted uses. Public, municipal, and institutional uses such as library, municipal administration, school, church.
- (b) Conditional uses.
 - (1) Residential.
 - (2) Business listed as “permitted uses” in the Commercial District.
- (c) Building Height. Not over thirty (35) feet.
- (d) Side yard. Not less than ten (10) feet.
- (e) Street setback (front yard). Not less than ten (10) feet.
- (f) Rear yard. Not less than ten (10) feet.

24.01.08 Park district.

- (a) Permitted uses. Park or recreational purposes.
- (b) Conditional uses.
 - (1) Residential, one and multiple family dwellings.
 - (2) Library, school, church.
- (c) Building height. Not over thirty five (35) feet.
- (d) Side yard. Not less than ten (10) feet.
- (e) Street setback (front yard). Not less than twenty five (25) feet.

(f) Rear yard. Not less than twenty five (25) feet.

24.01.09 - 24.01.10

24.01.09 **Agricultural district.**

(a) Permitted uses. Agricultural uses other than those involving animals or fowl.

(b) Conditional uses.

- (1) Residential, one family and multiple family dwelling.
- (2) Those businesses listed as “permitted uses” in the Commercial District.
- (3) Keeping or pasturing cows and/or cattle.

(c) Building height. Not over thirty five (35) feet.

(d) Side yard. Not less than ten (10) feet.

(e) Street setback (front yard). Not less than twenty five (25) feet.

(f) Rear yard. Not less than twenty five (25) feet.

24.01.10 **Restricted mobile home district.**

The boundaries of this district are:

- (1) Between Railroad Street and the Kickapoo River;
- (2) The area South of lots abutting the South side of Highway 14 and East of the Kickapoo River;
- (3) Outlots 65, 66, 67 and 69, West of the Kickapoo River.
(Ord 179, 1995)

(a) Permitted uses. Only mobile homes in good condition and repair, affording a decent, safe, and sanitary residence, having a minimum size of 14 feet x 60 feet, placed on a foundation, connected to municipal sewer and water where available, and the foundation of which allows access to any water meter, are permitted. (Ord 179, 1995)

(b) Conditional uses. Mobile Home Parks.

(c) Side yard. Not less than ten (10) feet.

(d) Street setback (front yard). Not less than twenty (25) feet from the edge of curb, or if no curb from existing pavement or traveled portion of the street.

(e) Rear yard. Not less than ten (10) feet.

24.01.11 **Flood plain district.**

The use of land in the flood plain district shall comply with the Village of Readstown Flood Plain Ordinance.

24.01.12 Zoning Administrator. The Village Clerk-Treasurer shall serve as Village Zoning Administrator. (Ord 175, 1994)

24.01.13 Zoning map and description of districts. There is hereby adopted by reference a map of the Village of Readstown entitled "Village of Readstown Existing Land Use Map", originally created in 1984, which map shows the locations of the districts described in this ordinance.

24.01.14 Board of Appeals. There is hereby created a Board of Appeals, to consist of five (5) members appointed by the President, subject to confirmation of the Village Board, for terms of three (3) years, except that of those first appointed, one shall serve for one year, two for two years, and two for three years. The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general and specific regulations herein, but may not allow the use of any land in any district which use is not permitted therein. The Board of Appeals shall hold meetings and have power provided by the Wisconsin Statutes, 62.23(7).

Enforcement. A. Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or use.

B. Any person, firm or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit not less than \$10 and not more than \$100 for each offense, together with the cost of prosecution, and in default of payment, shall be imprisoned in the county jail of Vernon County until such forfeiture and costs are paid but not to exceed 30 days. Each day that a violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and may be enjoined and the maintenance thereof may be abated by action or suit of the Village, and any person who may be specially damaged in the event of any violation.

24.01.15 Definitions.

"BUILDING": Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of person, animals, or property.

"DWELLING": A building designed for human habitation.

"FAMILY": Those persons living together and sharing the same facilities for food preparation and cleaning.

"GARAGE": A building for not more than 2 motor vehicles.

"LOT": A parcel of land in a recorded subdivision, and any parcel of land the legal description of which is of record in the office of the Register of Deeds.

"RESIDENTIAL": Pertaining to use as living quarters.

"STREET SETBACK": The minimum horizontal distance from the street right of way and the nearest point of any building.

"YARD": An open space on a lot unobstructed from the ground up.

Yard, Front. A yard along a public street. If a lot is on two intersecting streets, both yards along those streets are front yards. If a lot is not on a public street, the front yard is the yard adjacent to the main entrance to the structure.

Yard, Rear. A yard on the opposite side of the lot from the front yard.

Yard, Side. A yard between the front and rear yards.

(Ord No 133, 1985)

Section 24.02 Mobile homes: restricted locations; mobile home parks; permit required to bring into Village

MOBILE HOMES: IN AREAS ZONED FOR MOBILE HOMES, AND IN MOBILE HOME PARKS

No person shall place, store, or leave standing any mobile home within the Village, unless the same be within an area zoned for mobile homes or in a mobile home park. This Section shall not be construed to prohibit the continued use of a lot for mobile home purposes where a mobile home was on the lot on January 30, 1980, provided, that if such use is discontinued for a period of twelve (12) months, any future use of such lot for mobile home purposes shall be prohibited. (Ord 179, 1995)

MOBILE HOME PARKS

DEFINITIONS: For the purposes of this Section:

(a) "Dependent mobile home" means a mobile home which does not have complete bathroom facilities.

(b) "Licensee" means a person licensed to operate and maintain a mobile home park under this ordinance.

(d) "Licensing authority" means the Village of Readstown.

(d) "Mobile home" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, but excludes a manufactured home that has the following characteristics:

(1) Has a standing seam or ribbed pre-finished metal, wood-shake, asphalt or fiberglass shingle roof with a minimum slope of 4:12.

(2) Has a minimum of 1 ft. to a maximum of 2 ft. eave attached to the entire perimeter of the roof.

(3) Has exterior wall coverings consisting of any of the following materials or combinations thereof

1. Aluminum, steel or vinyl siding;
2. Wood or simulated wood; or

3. Brick, stone or stucco. (Ord No 060905)

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(e) "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

f) "Nondependent mobile home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.

(g) "Park" means mobile home park.

(h) "Person" means any natural individual, firm, trust, partnership, association, corporation or limited liability company.

(i) "Space" means a plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(j) "Unit" means a mobile home unit.

LICENSE: No person shall maintain or operate a mobile home park without a license therefor issued by the Village Clerk. Application for a license shall be in writing, signed by the applicant and shall contain the name and address of the applicant, the legal description of the proposed mobile home park, and plans and specifications as provided in the provisions of the department of health and family services under section 66.0435 of the Wisconsin Statutes. Upon approval of the Village Board the license shall be issued upon payment of an annual license fee of \$25.00 for each 50 spaces or fraction thereof within the mobile home park, which license shall expire December 31st, and which license shall be renewed upon payment of the annual license fee, unless such license is revoked because of violation of this or any other ordinance of the Village or violation of any law regulating mobile home parks.

CONNECTION TO AVAILABLE SEWER/WATER: All mobile homes within a mobile home park shall be connected to municipal sewer and water when available.

MOBILE HOME STANDARDS: Mobile homes shall be in good condition and repair, affording a decent, safe, and sanitary residence, having a minimum size of 14 feet X 60 feet, placed on a foundation, connected to municipal

sewer and water where available, and the foundation of which allows access to any water meter.

MOBILE HOME FEES: Owners of mobile homes within a park shall pay the monthly mobile home fee, which shall be collected by the mobile home park licensee as provided in section 66.0435 of the Wisconsin Statutes.

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PERMIT REQUIRED FOR MOBILE HOMES BROUGHT INTO THE VILLAGE:

(a) No person shall occupy any mobile home brought into the Village of Readstown until the owner thereof shall have made application for a permit and the mobile home shall have been inspected by the Village Building Inspector and until the owner shall have obtained a permit therefor.

(b) A permit for a mobile home to be brought into the Village of Readstown shall be issued by the Building Inspector if the mobile home complies with the requirements of Village ordinances and if the mobile home is to be kept in a location which complies with the requirements of Village ordinances.

(c) The application and permit shall be in the following form:

APPLICATION FOR MOBILE HOME PERMIT

Description of mobile home: _____
_____.

Owner's name and address: _____
_____.

Place where mobile home is to be located: _____
_____.

Dated: _____

Signature of owner: _____

MOBILE HOME PERMIT

The following mobile home has been inspected by the Village Building Inspector

(name of owner/applicant)

is hereby issued a permit to place the following mobile home at the following location:

(description of mobile home)

(location where mobile home to be kept)
Dated this _____ day of _____, 20____.

(signature of Building Inspector)

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(d) The fee for the inspection and permit shall be established by the Village Board from time to time by resolution and shall not exceed the cost of inspection.

Any person who violates this section 24.02 shall be required to forfeit not less than \$50.00 nor more than \$200.00 together with the costs of prosecution and in default of payment shall be committed to the County Jail until such forfeiture and costs are paid, not exceeding 30 days. Each day a violation continues is a separate offense. The Village may enjoin any violation or threatened violation hereof. The maintenance or operation of a mobile home park without a license constitutes a public nuisance. (Ord 179, 1995)

Section 24.03 Floodplain zoning ordinance

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, and the requirements in s. 87.30, Stats.

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Readstown, Vernon County, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk for the Village of Readstown. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS: Based on the FIS:

Flood Insurance Rate Map (FIRM), panel numbers 55123C0534D and 55123C0553D dated November 2, 2012; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated November 2, 2012, Volume number 55123CV000A.

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

(b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant

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difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

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(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

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2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

(1) No floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Department of Health Services;

(2) A land use permit for the campground is issued by the zoning administrator;

(3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency

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government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

(6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;

(7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

(8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

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- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
 - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 3.3 and 3.4.
 - (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
 - (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 - (7) Public utilities, streets and bridges that comply with s. 3.3(3).

3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY

(1) GENERAL

(a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

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(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of s. 2.1.

(4) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

(a) The requirements of s. 2.1 are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the

Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).

(d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation;
and
2. be anchored so they do not float, collapse or move laterally during a flood

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(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 GENERAL FLOODPLAIN DISTRICT (GFP)

5.1 APPLICABILITY

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

5.2 PERMITTED USES

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is highest:

- (a) at or above the flood protection elevation; or
- (b) two (2) feet above the highest adjacent grade around the structure; or
- (c) the depth as shown on the FIRM

(2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill

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limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

(2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

(a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

6.0 NONCONFORMING USES

6.1 GENERAL

(1) APPLICABILITY

If these standards conform with s. 62.23(7)(h), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply

systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

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(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).

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b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of s. 6.1(2)(h)1a-b and e-g.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration

will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of s. 6.1;

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(c) Shall not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.

(2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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(a) No floor is allowed below the regional flood elevation for residential or commercial structures;

(b) Human lives are not endangered;

(c) Public facilities, such as water or sewer, shall not be installed;

(d) Flood depths shall not exceed two feet;

(e) Flood velocities shall not exceed two feet per second; and

(f) The structure shall not be used for storage of materials as described in s. 4.3(5).

(3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under s. 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

(1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

(c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
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3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses. .

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments and biennial reports to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
 - a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

ii. channel sections must be surveyed.

iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

v. the most current version of HEC_RAS shall be used.

vi. a survey of bridge and culvert openings and the top of road is required at each structure.

vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

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(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

(1) The Plan Commission shall:

(a) oversee the functions of the office of the zoning administrator; and

(b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The Plan Commission shall not:

(a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or

(b) amend the text or zoning maps in place of official action by the governing body.

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7.3 BOARD OF APPEALS

The Board of Appeals, created under s. 62.23(7)(e), is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

(a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;

(b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

a. Fix a reasonable time for the hearing;

b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and

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- c. Decide appeals of permit denials according to s. 7.4.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;

2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

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3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in s. 1.3.

(b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance shall not cause any increase in the regional flood elevation;

2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;

2. Be granted for a hardship based solely on an economic gain or loss;

3. Be granted for a hardship which is self-created.

4. Damage the rights or property values of other persons in the area;

5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and

6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

(1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

- (a) Permit application data listed in s. 7.1(2);
- (b) Floodway/floodfringe determination data in s. 5.4;

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(c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

- (a) Follow the procedures of s. 7.3;
- (b) Consider zoning agency recommendations; and
- (c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES OR USES

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the

floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(a) certified by a registered professional engineer or architect; or

(b) meets or exceeds the following standards:

1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. the bottom of all openings shall be no higher than one foot above grade; and

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3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:

(a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(b) Protect structures to the flood protection elevation;

(c) Anchor structures to foundations to resist flotation and lateral movement; and

(d) Minimize or eliminate infiltration of flood waters.

(e) Minimize or eliminate discharges into flood waters.

7.6 PUBLIC INFORMATION

(1) Place marks on structures to show the depth of inundation during the regional flood.

(2) All maps, engineering data and regulations shall be available and widely distributed.

(3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

(1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

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(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2) (b);

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by ss. 5.4

and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$20.00 and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- (1) A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) AH ZONE - See "AREA OF SHALLOW FLOODING".
- (3) AO ZONE - See "AREA OF SHALLOW FLOODING".
- (4) ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- (5) ALTERATION - An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (6) AREA OF SHALLOW FLOODING - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (7) BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (8) BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- (9) BUILDING - See STRUCTURE.
- (10) BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

(11) CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

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(12) CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

(13) CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

(14) CHANNEL - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(15) CRAWLWAYS OR "CRAWL SPACE" - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

(16) DECK - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

(17) DEPARTMENT - The Wisconsin Department of Natural Resources.

(18) DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

(19) DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(20) ENCROACHMENT - Any fill, structure, equipment, use or development in the floodway.

(21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program.

(22) FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk

premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

(23) FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

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- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

(24) FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

(25) FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

(26) FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

(27) FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(28) FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

(29) FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

(30) FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

(31) FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

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(32) FLOODPROOFING - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

(33) FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

(34) FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

(35) FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(36) FREEBOARD - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

(37) HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human habitation.

(38) HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

(39) HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

(40) HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) HISTORIC STRUCTURE - Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

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- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

(42) INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

(43) LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(44) LOWEST ADJACENT GRADE - Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(45) LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

(46) MAINTENANCE - The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

(47) MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

(48) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

(49) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

(50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

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homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

(51) MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be selfpropelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

(52) MODEL, CORRECTED EFFECTIVE - A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

(53) MODEL, DUPLICATE EFFECTIVE - A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

(54) MODEL, EFFECTIVE - The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

(55) MODEL, EXISTING (PRE-PROJECT) - A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

(56) MODEL, REVISED (POST-PROJECT) - A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

(57) MUNICIPALITY" or "MUNICIPAL - The village governmental unit enacting, administering and enforcing this zoning ordinance.

(58) NAVD" or "NORTH AMERICAN VERTICAL DATUM - Elevations referenced to mean sea level datum, 1988 adjustment.

(59) NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea level datum, 1929 adjustment.

(60) NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent

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improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(61) NONCONFORMING STRUCTURE - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

(62) NONCONFORMING USE - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

(63) OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

(64) OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.

(65) OPEN SPACE USE - Those uses having a relatively low flood damage potential and not involving structures.

(66) ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive

mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(67) PERSON - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

(68) PRIVATE SEWAGE SYSTEM - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

(69) PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

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(70) REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

(71) REGIONAL FLOOD - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

(72) START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(73) STRUCTURE - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream

bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

(74) SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.

(75) SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

(76) SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(77) UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas,

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setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(78) VARIANCE - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

(79) VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

(80) WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.

(81) WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

(82) WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

<u>Section 24.04</u>	Well head protection
24.04.01	Title
24.04.02	Purpose
24.04.03	Definitions
24.04.04	Groundwater Protection District
24.04.05	Review of Permit Application
24.04.06	Requirements for Existing Facilities and Land Uses
24.04.07	Enforcement and penalties
24.04.08	Severability Clause
24.04.09	Inconsistent ordinances repealed

SECTION 1. Title of Ordinance. This Ordinance shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as "WHP Ordinance".)

SECTION 2. Purpose, Authority and Application.

(1) Residents in the Village of Readstown depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this WHP Ordinance is to institute land use regulations and restrictions to protect the Village's Municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the Village of Readstown.

(2) Statutory authority of the Village to enact these regulations is established by the Wisconsin Legislature in ss. 61.35 and 62.23, Wis. Stats. Under these statutes, the Village has the authority to enact this ordinance, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources.

(3) The regulations specified in this WHP Ordinance shall apply within the Village's corporate limits.

SECTION 3. Definitions.

(1) Aquifer. "Aquifer" means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(2) Existing facilities. "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is attached hereto and incorporated herein as if fully set forth.

(3) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the Village of Readstown.

(4) Groundwater Protection District. "Groundwater Protection District" means that portion of the recharge area for the Village well(s) that lies within the Village limits.

(5) Well Field. "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

SECTION 4. Groundwater Protection District.

(1) Separation Distances. The following minimum separation distances shall be maintained within the Groundwater Protection District.

(a) Fifty feet between a well and storm sewer main.

(b) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

(c) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

(d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

(e) One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.

(f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(2) Mapping. The location and boundaries of the groundwater protection district established by this Ordinance are the areas (a) within a 600 foot radius of the well and (b) lines tangential to the radius extended up gradient to the Village corporate limits, as set forth on the attached Exhibit "A" which is incorporated herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

(3) Permitted and prohibited uses. The following uses are permitted uses within the groundwater protection district. Uses not listed shall be considered prohibited uses:

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
2. Playgrounds.
3. Wildlife areas.

4. Non-motorized trails, such as bike, skiing, nature and fitness trails.
5. Residential, commercial and industrial property, which is municipally sewered, and free of flammable and combustible liquid and underground storage tanks (USTs).

SECTION 5. Review of Permit Application.

(1) The Village of Readstown shall review all requests for approval of permits for land uses in the Groundwater Protection District. All determinations shall be made by the Village of Readstown within sixty (60) days of any request for approval, provided however, that this sixty (60) day period of limitation may be extended by the Village of Readstown for "good cause", as determined in the sole and absolute discretion of the Village of Readstown.

(2) Upon reviewing all requests for approval, the Village of Readstown shall consider all of the following factors:

(a) The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(b) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the Village of Readstown or the Village's recharge area.

(c) The economic hardship which may be faced by the landowner if the application is denied.

(d) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.

(e) The proximity of the applicant's property to other potential sources of contamination.

(f) The then existing condition of the Village's groundwater public water wells and well fields, and the vulnerability to further contamination.

(g) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

(h) Any other hydrogeological data or information which is available from any public or private agency or organization.

(i) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

24.04.05 - 24.04.06

(3) Any exemptions granted will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The Village of Readstown may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(4) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:

(a) The cost of an environmental impact study if so required by the Village of Readstown or its designee.

(b) The cost of groundwater monitoring or groundwater wells if required by the Village of Readstown or its designee.

(c) The costs of an appraisal for the property or other property evaluation expense if required by the Village of Readstown or its designee.

(d) The costs of Village's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the Village, representing the Village's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.

(e) The cost of Village equipment employed.

(f) The cost of mileage reimbursed to the Village employees.

SECTION 6. Requirements for Existing Facilities and Land Uses.

(1) Existing facilities shall provide copies of all Federal, State and local facility operation approvals or certificates and ongoing environmental monitoring results to the Village of Readstown.

(2) Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the Village of Readstown, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

24.04.06 - 24.04.07

(4) Existing facilities shall have the responsibility of devising and filing with the Village of Readstown, a contingency plan satisfactory to the Village for the immediate notification of the appropriate Village of Readstown officers in the event of an emergency.

(5) Property owners with an existing agricultural use shall be exempt from requirements of this Ordinance as they relate to restrictions on agricultural uses, provided however, that such exemption shall only apply to the property owners in existence at the time of passage of the Ordinance and this exemption shall not constitute a covenant running with the land.

SECTION 7. Enforcement and penalties.

(1) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Village of Readstown.

(2) The individual/facility shall be responsible for all costs of clean-up and the Village of Readstown consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

(a) The cost of Village employees' time associated in any way with the clean-up based on the hourly rate paid to the employee multiplied by a factor determined by the Village, representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(b) The cost of Village equipment employed.

(c) The cost of mileage reimbursed to the Village employees attributed to the clean-up.

(3) Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Section 6 and 7 herein.

(4) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

24.04.07 - 24.05.01

(5) Penalties. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

SECTION 8. Severability Clause. If any section, subsection, sentence, clause paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not effect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Village Board of the Village of Readstown hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

SECTION 9. All Ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this Ordinance. (Ord 051106)

Section 24.05 Fences

24.05.01 Fences defined. For the purpose of this section:

(1) Fence. An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress.

(2) Boundary Fence. A fence placed on the property lines of adjacent properties.

(3) Protective Fence. A fence constructed to enclose a hazard to the public health, safety, or welfare.

(4) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.

(5) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

24.05.01 - 24.05.07

(6) Picket Fence. A fence having a pointed post, stake, pole or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

24.05.02 Fence Permit Required. No person shall erect a fence without first obtaining a fence permit and paying a fee of \$5. The applicant shall provide accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this section.

24.05.03. Height of Fences Regulated.

(1) Except as otherwise provided in the Readstown Municipal Code, a fence or wall may be erected, placed, or maintained on residentially zoned property or adjacent thereto, to a height not exceeding 6 feet above the ground level, except that no fence or wall that is located in a required front or corner side yard shall exceed a height of 3 feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an 8 foot limit on the height of a fence or wall.

(2) In any residence district, no fence or wall shall be erected, constructed or maintained to a height exceeding 3 feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected.

24.05.04 Setback for Residential Fences. Fences in or adjacent to a residential property may be constructed on lot lines when adjacent property owners agree to the location and maintenance of the fence and ground. If adjacent property owners do not agree on the location of the fence it must be placed no closer than 3 feet to the lot line. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines.

24.05.05 Security Fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

24.05.06 Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished or decorative side of a fence

shall face adjoining property. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

24.05.07 Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at 4 foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than 45 days; snow fences may be in place during winter.

24.05.08 - 24.05.09

24.05.08 Nonconforming Fences. Any fence existing on the effective date of this ordinance and not in conformance with this section may be maintained, but any alteration, modification or improvement of more than 50% of said fence shall result in the entire fence being brought into compliance with this section.

24.05.09 Location Determination. The property owner erecting a fence is solely responsible for ensuring that the fence is located on his or her property. (Ord 042709.2)

Title 25
(Reserved)

TABLES OF ORDINANCES:

<u>ORDINANCE</u> <u>NO.</u>	<u>SUBJECT OR NAME</u>
1	(Repealed by 104)
2	(Repealed by 169)
3	Protection of Public Health
4	Running at large
5a	Protection of Public Peace
6	Trespass
7	(Repealed by 193)
8	(Repealed by 55)
9	(Repealed by 166)
10	Bees
11	Dances
11a	(Amends No. 11)
12	Cemetery
12a	(Amends No. 12; amended by No. 192))
13	Fire Department
14	Rabies (not codified; expired)
16	Stockyards
17	Discharging Firearms
19	Claims against Village (not codified)
20	Bond of Treasurer
21	(Repealed by 211)
24	Employee sick leave
28	Peddlers and Solicitors
29	(Repealed by 123)
30	Junk yards and dealers
31	(Repealed by 101305)
32	Civil defense (Repealed by 011206)
33	(repealed by 071405)

33a (repealed by 071405)
34 (Repealed by 104)
34a (Repealed by 104)
39 (Amended by 112, Repealed by 141)
45 (repealed by 071405)
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46 (Repealed by 130)
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47 Sewer system mortgage (not codified)
48 (Repealed by 130)
49 (Amends 47)
55 Regulate vehicular traffic
69 (Amended by 105, Repealed by 137)
100 Prohibiting parking of vehicles for more than 48 hours
101 (Repealed by 117)
102 (Repealed by 117)
103 (Repealed by 145)
104 Abolishing Municipal Court (not codified)
105 (Repealed by 137)
106 Hours for Village Park
107 Prohibiting motor vehicles and horses in parks
108 (interim zoning, not codified)
110 Use of bandstand in Village Square
111 Requiring operator's license and fee
112 (Repealed by 141)
113 Village Plan Commission
114 Subdivision of land
115 One and two family dwelling building code
116 Salaries of trustees and president
117 (Repeals 101 and 102)
118 Hours for Sunday alcohol sales
119 Sewer rates
120 Regulating applications for alcohol licenses
121 (Repealed by 149)

122	(Repealed by 130))
123	(Repealed by 181)
124	Carrying of certain firearms
125	Sewer system mortgage bond (1983; not codified)
126	Water system mortgage bond (1983; not codified)
127	(interim zoning, not codified)
128	(Repealed by 129)
129	(Repealed by 144)
130	(Repealed by 138)
131	(interim zoning, not codified)
132	(Repealed by 237)
133	Establishing zoning
134	(Repealed by 237)
135	(Repealed by 179)
136	(Repealed by 141)
137	(Repealed by 178)
138	(Repealed by 234)
139	(Repealed by 179)
140	Cross connection to water system prohibited
141	(Repealed by 179)
142	(Repealed by 179)
143	Prohibiting discrimination
144	Requiring Building permit
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146	(Repealed by 155)
147	Prohibiting squealing of tires
148	Prohibiting worthless checks
149	Creating Readstown Emergency Medical Team/Service
150	Employment of spouse of trustee or president
151	(Repealed by 190)
152	Abandoned vehicles
153	Regulating traffic
154	Alcohol beverage licenses
155	(Repealed by 179)

156	Requiring waste receptacles
157	(Repealed by 179)
158	Garbage and refuse collection and disposal
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238	Residency requirement for employees
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101305	Curfew for certain juveniles
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121406 Salaries of President and Trustees

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