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CHAPTER 8

PUBLIC WORKS

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8.01 DRAINAGE DITCHES WITHIN ROAD RIGHT-OF-WAY. No person shall fill or obstruct any ditch or culvert alongside of any Town or public road, or underneath any such road with any dirt, stones or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill any ditch along any Town road or public highway. No person shall enlarge a road drainage ditch without first obtaining a permit from the Town Board. Application for such permit shall be made to the Town Clerk. Before approving a permit to enlarge any road drainage ditch in the Town, the Town Board shall forward the permit application to all County and State agencies whose approval must be obtained before such work may commence.

8.02 HIGHWAY OPENINGS REGULATED. (1) PERMIT REQUIRED. No opening shall be made in any Town road or highway until a permit therefor has been applied for and issued by the Town Board. Applications for permits shall contain a description of the property involved, the location of such opening and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work is not to be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name.

(2) CASH BOND REQUIRED. Before a permit shall be issued under this section, the applicant shall furnish a cash bond to the Town in such amount as the Town Board shall determine to guarantee replacement of such highway in as good condition as before excavation was commenced.

(3) EXCAVATIONS. In the opening of any public highway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and lanterns or flares shall be maintained upon the location during hours of darkness.

8.03 SNOW AND ICE REMOVAL. (1) SIDEWALKS TO BE KEPT CLEAR. The owner or occupant of any lot or parcel shall within 24 hours remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel, provided when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. If the owner or occupant fails to comply with this subsection, the Town Board may cause the snow or ice to be removed or sprinkled as required in this subsection, the cost thereof to be assessed against the property as a special tax.

(2) DEPOSIT IN STREETS RESTRICTED. No person shall cause to be deposited snow from his premises onto the sidewalk abutting thereon or onto any road right-of-way in the Town without a permit therefor from the Town Board which may require payment of a fee sufficient to reimburse the Town for the cost of removing any snow so deposited.

8.05 PENALTY. Except as otherwise provided, any person who violates any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code.

CHAPTER 9

PUBLIC PEACE AND GOOD ORDER

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9.01 FIREARMS GENERALLY. (1) DEFINITIONS. "Firearms" shall include any gun, rifle, pistol, airgun, shotgun, spring gun, cannon or other device or type of firearms which expels a missile or missiles by some means or element.

(2) DISCHARGE OF FIREARMS RESTRICTED. (a) No person shall fire a rifle, pistol or other solid ball firearm in any residential, recreational or commercial district within the Town or within 500' of any such district, or residence or structure used for human habitation.

(b) No person shall discharge a firearm within the right-of-way of any State, County or Town highway or road or in any public park, parking area or other area marked by signs prohibiting the same.

(3) CARRYING OF FIREARMS. No person except a law enforcement or peace officer, or his deputies, shall have any firearm in his possession or under his control unless it is unloaded and enclosed within a carrying case, unless such person is within exceptions specified in (2) above. Subsections (2) and (3) of this section shall not prevent maintenance and use of supervised rifle or pistol ranges or shooting galleries as authorized by the Town Board.

9.02 REGULATION OF HANDGUNS. (1) PURPOSE. The Board hereby determines that as a result of the ease with which handguns may be carried upon the person, the presence of such handguns constitute a danger to the general public if they are allowed to be carried, transported or brought inside of any public building or upon any premises open to the public, except as provided below. It is the purpose of this section to serve the interest of public safety by restricting and regulating the presence of handguns, which can be carried, transported or brought inside of any public building or place of business open to the public.

(2) DEFINITION OF HANDGUN. For purposes of this section, "handgun" means any firearm having a barrel less than 12" long.

(3) REGULATION. No handgun, either holstered, unholstered, cased or uncased shall be in the possession of or under the control of any person while such person is inside any public building or place of business including, but not limited to, a place of business where alcoholic beverages of any kind are sold or consumed.

PUBLIC PEACE AND GOOD ORDER 9.02(4)

(4) EXCEPTIONS. This section shall not apply to the following:

(a) A sheriff, deputy sheriff, warden, constable, State trooper, U.S. military personnel or any member of a police force who carries a handgun in his official line of duty.

(b) Any person who brings a handgun upon any premises open to the public which has in effect a special use permit from the Town as a shooting gallery, skeet, trap shooting range or rifle range. This section shall also not apply to any person who brings a handgun to any firearm safety course conducted by or authorized by the Sheriff's Department or the law enforcement agency of the Town within which the course is conducted.

(c) To any person who brings a handgun upon any premises in which handguns are sold, traded or serviced, provided the handgun is brought upon the premises for purposes relating to the sale, trade or servicing of such handgun.

(d) To any person or his employee who lawfully keeps or carries a handgun upon any premises open to the public owned by such person.

(e) To any person who brings a handgun directly to or from a motel or hotel room, or a resort rental unit, for storage purposes, provided that the handgun is unloaded and knocked down or enclosed within a carrying case, holster or other suitable container at all times.

(f) The display of unloaded and properly secured handguns by governmental bodies or the owners of places of business open to the public.

(5) PENALTY. Any person found guilty of violating this section or any part thereof shall, upon conviction, be subject to the penalty provisions set forth in §25.04 of this General Code.

9.03 THROWING OR SHOOTING MISSILES AND PROJECTILES. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Town.

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9.04 REGULATION OF FIREWORKS. (1) 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, 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 1/4 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" in length or 1/4" in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (j) A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
- (k) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
- (l) A device that emits smoke with no external flame and does not leave the ground.
- (m) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 3/4", designed to sit on the ground and emit only sparks and smoke.

PUBLIC PEACE AND GOOD ORDER 9.04(1)(n)

(n) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

(2) SALE. No person may sell or possess with intent to sell fireworks, except:

(a) To a person holding a permit under sub. (3)(c).

(b) The Town.

(c) For a purpose specified under sub. (3)(b)2. to 6.

(3) USE. (a) No person may possess or use fireworks without a user's permit from the Chairman of the Town in which the possession or use is to occur or from an official or employee of that municipality designated by the Chairman. No person may use fireworks or a device listed under sub. (1)(e) to (g) or (i) 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 Town, 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 Industry, Labor and Human Relations.

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 institutions of education.

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.

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PUBLIC PEACE AND GOOD ORDER 9.04(3)(c)

(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.

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

(e) The person issuing a permit under this subsection may require 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 Town wherein the fireworks are to be used, 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, if required, together with a copy of the permit shall be filed in the office of the Clerk of the Town.

(f) A permit under this subsection 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.

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PUBLIC PEACE AND GOOD ORDER 9.04(3)(f)4.

4. The date and location of permitted use.
5. Other special conditions prescribed by ordinance.

(g) A copy of a permit under this subsection shall be given to 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.

(4) OUT-OF-STATE. This section does not prohibit a resident wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this State in sealed opaque containers by, as defined in §194.01(5), (11) and (14), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under sub. (3)(c)1. to 7.

(5) STORAGE AND HANDLING. (a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Town.

(b) No person may smoke where fireworks are stored or handled.

(c) A person who stores or handles fireworks shall notify the Town Board in which the fireworks are stored or handled of the location of the fireworks.

(d) No wholesaler, dealer or jobber may store fireworks within 50' of a dwelling.

(e) No person may store fireworks within 50' of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(6) PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(7) ENFORCEMENT. (a) The Town may petition the circuit court for an order enjoining violations of this section.

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PUBLIC PEACE AND GOOD ORDER 9.04(7)(b)

(b) Fireworks stored, handled, sold, possessed or used by a person who violates this section, or a court order under par. (a) shall be seized. The fireworks shall be destroyed after conviction for a violation, and otherwise returned to the owner.

9.05 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler noises.

-9:07 LOITERING. (1) LOITERING OR PROWLING PROHIBITED, GENERALLY. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

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PUBLIC PEACE AND GOOD ORDER 9.07(2)

(2) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossings or bridges, or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

9.08 ANIMALS AND FOWL NOT TO RUN AT LARGE. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Town.

9.09 STORAGE OF JUNK, ETC., REGULATED. (1) RESTRICTED. No person shall store junked or discarded property, including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood, except in an enclosure which screens such property from public view or upon permit issued by the Town Board.

(2) ORDER FOR COMPLIANCE. The Constable may require by written order any premises in violation of this subsection to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

9.10 LITTERING PROHIBITED. No person shall throw any glass, refuse, waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Town, or upon any private property or the surface of any body of water within the Town.

9.11 OBEDIENCE TO OFFICERS. No person shall resist or interfere with any officer of the Town while such officer is doing any act in his official capacity, and with lawful authority, nor shall any person refuse to assist an officer in carrying out his duties when so requested by the officer.

9.12 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person; and any cover shall be of such design,

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size and weight that the same cannot be removed by small children.

9.13 ABANDONED OR UNATTENDED REFRIGERATORS, ETC., PROHIBITED. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside unless such door or lid, snap lock or other locking device has been removed from such ice box, refrigerator or container, or unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

9.14 LOITERING IN SCHOOL AND PLAYGROUND AREAS PROHIBITED. No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand or play in any school building, or in or about any playground area adjacent thereto, within the Town between 8 a.m. and 4 p.m. on official school days.

9.15 SANITARY LANDFILL REGULATIONS. (1) No person shall throw or dump any rubbish, garbage or other refuse any place within the limits of the Town except at the established Town sanitary landfill site.

(2) No person shall dump rubbish, garbage or other refuse in the Town sanitary landfill except in compliance with the rules and regulations of the landfill.

9.16 WASTE DISPOSAL AND WASTE DISPOSAL SITES PROHIBITED. (1) DISPOSAL PROHIBITED. No person shall dispose of garbage, waste, refuse or sludge within the limits of the Town.

(2) EXCEPTIONS. The following are specifically excepted from the terms of sub. (1) of this section:

(a) A sanitary landfill or dump licensed by the State Department of Natural Resources on the effective date of this section.

(b) A sanitary septic tank or seepage bed which is at all times in compliance with all applicable Town ordinances and County and State laws and regulations.

PUBLIC PEACE AND GOOD ORDER 9.16(2)(c)

(c) A farm on which animal waste directly resulting from the operation of the farm is disposed of on the same farm premises.

(3) HEALTH HAZARD. The Town Board hereby declares the disposing of garbage, waste, refuse or sludge within the limits of the Town to be contrary to the health and welfare of the citizens of the Town and to create a health hazard to its citizens.

(4) DEFINITIONS. For the purposes of this section, the following definitions shall apply:

(a) Dispose. Includes, but is not limited to, dump, unload, discard, throw away, abandon, empty or bury.

(b) Garbage. Includes discarded materials resulting from the handling, processing, storage or consumption of food.

(c) Person. An individual, sole proprietorship, corporation, partnership, association or municipality, including town, village, city, county, sanitary district, state.

(d) Refuse. Includes combustible and noncombustible discarded material including, but not limited to, trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, industrial wastes, dead animals, toxic and hazardous wastes and material resulting from construction or demolition.

(e) Sludge. Includes sewage treatment residue, in any form which has been processed or treated in any manner.

(f) Waste. Includes garbage, refuse, sludge, all other discarded material and waste material resulting from industrial, commercial and agricultural operations, domestic use and public service activities.

(5) VARIANCE. (a) Any person may apply to the Town Board for a variance from the terms of this section on application forms supplied by the Town Clerk. Such variance application shall include as a minimum the name and address of the applicant and an explanation of the nature and purpose of the variance.

(b) After an application for variance is filed, the Town Board shall schedule a public hearing within a reasonable time. The public hearing will be advisory only regarding any action taken by the Town Board concerning such application.

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PUBLIC PEACE AND GOOD ORDER 9.16(5)(c)

(c) A variance may be granted if the Town Board determines a literal enforcement of this section will result in practical difficulty or unnecessary hardship to the applicant, that a variance will be a public benefit and that the public benefit as a result of the variance is likely to be greater than any health hazard likely to be created by the variance.

(6) STATE LAW. Nothing contained in this section shall be deemed to limit or restrict the application of any State law or administrative rule regulating the subject matter of this section.

9.17 TRESPASS TO LAND. (1) Whoever does any of the following is subject to a forfeiture as provided in this chapter.

(a) Enters any enclosed or cultivated land of another with intent to catch or kill any birds, animals or fish on the land or gather any products of the soil without the express or implied consent of the owner or occupant to engage in any of those activities.

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

(c) Hunts, shoots, fishes or gathers any product of the soil on the premises of another, or enters such premises with intent to do any of the foregoing after having been notified by the owner or occupant not to do so.

(d) Enters any enclosed or cultivated land of another with a vehicle of any kind without the express or implied consent of the owner or occupant.

(2) A person has received notice from the owner or occupant within the meaning of this section if he has been notified personally, either orally or in writing, or if the land is posted. For land to be posted, a sign at least 11" square must be placed in at least 2 conspicuous places for every 40 acres to be protected. The sign must carry an appropriate notice and the name of the person giving the notice followed by the word "owner" if the person giving the notice is the holder of legal title to the land and by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

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Proof that appropriate signs as herein provided were erected or in existence upon the premises to be protected within 6 months prior to the event complained of shall be prima facie proof that the premises to be protected were posted as herein provided.

9.18 PARKING RESTRICTIONS. When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted.

9.19 SNOW REMOVAL REGULATIONS. (1) For the purpose of removing snow from the streets and surrounding areas, the Town Board shall authorize signs to be erected prohibiting parking in the particular area where snow is intended to be removed.

(2) The Town Board may direct all vehicles parked in violation of the no parking signs erected pursuant to this subsection to be towed away.

(3) Any person who violates this subsection shall be subject to a forfeiture plus the cost of towing and storing the vehicle.

9.20 PENALTIES. Except as otherwise provided, any person who violates any provision of this chapter shall be subject to a penalty as provided in §25.04 of this Code.

CHAPTER 10

PUBLIC NUISANCES

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PUBLIC NUISANCES 10.01

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

10.02. PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which continues 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, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of §10.02:

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

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

(3) INSECTS OR VERMIN, BREEDING PLACES FOR. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.

(4) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not flytight.

PUBLIC NUISANCES 10.03(5)

(5) WEEDS, NOXIOUS. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot.

(6) POLLUTION, WATER. 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.

(7) POLLUTION, STREET. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

(8) ANIMALS, LOOSE. Any animals running at large in the Town.

10.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are 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 §10.02:

(1) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Town ordinances relating to materials and manner of construction of buildings and structures within the Town.

(2) 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.

(3) LOW-HANGING TREE LIMBS. All limbs of trees which project over and less than 10' above any public sidewalk, street or other public place.

(4) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(5) FIREWORKS. All use or display of fireworks except as provided by State laws and Town ordinances.

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PUBLIC NUISANCES 10.04(6)

(6) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(7) LOW-HANGING WIRES AND CABLES. All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.

(8) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.

(9) OBSTRUCTIONS OF STREETS; EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town, but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(10) UNLAWFUL ASSEMBLIES. Any unauthorized or prohibited use of property abutting on a public street, alley or sidewalk, or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(11) BLIGHTED BUILDINGS AND PREMISES. (a) Premises existing within the Town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.

(b) Blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, and safety, crime prevention, fire protection and other public services; such conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

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PUBLIC NUISANCES 10.04(11)(c)

(c) Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and shall be fostered and encouraged by this section. It is essential to the public interest that this section be liberally construed to accomplish the purposes of this subsection.

10.05 BURNING RESTRICTED. (1) BURNING PERMIT REQUIRED. No person shall set a fire within the Town unless such person shall first obtain a burning permit from the Town Board or its designee and certify to the Town Board or its designee that any open burning shall be contained in a fire pit or container. The Town Board shall specify the information to be included in a burning permit.

(2) EXCEPTIONS TO BURNING PERMIT. Notwithstanding the provisions of sub. (1), no permit shall be required in the following circumstances:

(a) Burning rubbish for household purposes in a barrel, trash can or other enclosed burning container, provided such container is adequately covered to prevent burning material or embers from escaping the burning container.

(b) Setting a fire for purposes of warming the person or cooking food under life threatening circumstances.

(c) Setting a recreational bonfire in a fire pit or container primarily for entertainment purposes.

(3) In no event shall a burning permit be issued for burning within the Town dump except to specifically authorized persons by the Town Board for Town purposes.

10.06 ABATEMENT OF PUBLIC NUISANCES. (1) ENFORCEMENT. The Constable, Fire Chief, Building Inspector and Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

PUBLIC NUISANCES 10.06(2)

(2) **SUMMARY ABATEMENT.** If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) **ABATEMENT AFTER NOTICE.** If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not 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 to remove the same within 10 days. If such nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in sub. (2).

(4) **OTHER METHODS NOT EXCLUDED.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.

(5) **COURT ORDER.** Except when necessary under sub. (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

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

10.10 **PENALTY.** Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a penalty as provided in §25:04 of this General Code.

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CHAPTER 12

LICENSES AND PERMITS

- 12.01 Dog Licensing and Regulation
- 12.02 Direct Sellers
- 12.03 Bicycles
- 12.05 Penalty

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12.01 DOG LICENSING AND REGULATION. (1) LICENSE REQUIRED. Every person residing in the Town who owns a dog which is more than 5 mos. of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.

(2) ISSUANCE OF LICENSE. Upon receipt of the required fee and exhibition of the certificate required by sub. (6), the Clerk shall issue to such person a license to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Town Treasurer or the County Clerk.

(3) STATE REGULATIONS. Ch. 174, Wis. Stats., shall apply so far as applicable.

(4) DOGS NOT TO RUN AT LARGE. No owner or other person in control or having custody of a dog shall allow the same to run at large within the Town unless accompanied by and under the control of the owner or keeper.

(5) HARBORING CERTAIN DOGS PROHIBITED. No person shall own, harbor or keep any dog which:

(a) Habitually pursues any vehicle upon any public street, alley or highway.

(b) Assaults or attacks any person.

(c) Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.

(d) Habitually barks or howls to the annoyance of any 2 or more persons.

(e) Is required to be licensed but is not.

(6) CERTIFICATE OF INOCULATION REQUIRED. No license shall be issued hereunder for any dog unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper within 3 yrs. prior to application.

(7) CONFINEMENT AND DISPOSITION. (a) Confinement of Dogs. The Town Constable or any officer appointed by the Town Board shall apprehend any dog running at large within the Town or which does any of the things prohibited under sub. (5) and confine the same in a suitable place.

(b) Disposition of Unclaimed Dogs. The Constable or the keeper of a pound shall keep all dogs apprehended for 7 days (unless sooner claimed by the owner or keeper). If any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in apprehending, keeping and caring for the dog, or it may be destroyed in a proper and humane manner.

(c) Owner or Keeper to Pay Costs. The owner or keeper of any dog so confined may reclaim such a dog at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping and caring for the dog. Such costs and charges may include expenses for inoculations or other medical treatment of the dog. The owner or keeper's payment of costs and charges incurred in apprehending, keeping and caring for the dog shall be made directly to the Constable.

(d) Owner or Keeper to Post Bail. The owner or keeper of any dog so confined shall, in addition to any costs required to be paid under par. (c) hereof, post bail in the following amounts prior to reclaiming such dog:

1. \$5 for the first offense involving such dog within one calendar year.

2. \$10 for the second offense involving such dog within one calendar year.

3. \$15 for the third offense involving such dog within one calendar year.

4. \$25 for the fourth or more offenses involving such dog within one calendar year.

(8) ENFORCEMENT. The Constable or his qualified assistants shall be responsible for the apprehension and confinement of dogs as herein provided; and such officer shall apprehend and confine dogs as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the Town. Such officer shall be paid such compensation as the Board shall determine by resolution.

12.02 DIRECT SELLERS. (1) REGISTRATION REQUIRED. No direct seller shall engage in direct sales within the Town without being registered for that purpose as provided herein.

(2) DEFINITIONS. For the purposes of this section, the following words and phrases shall be defined as:

(a) Direct Seller. Any individual who, for himself or for a partnership, association or corporation, sells goods or takes sales orders for the later delivery of goods at any location other than the permanent business place or residence of such individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

(b) Permanent Merchant. A direct seller who, for at least one year prior to the consideration of the application of this section to such merchant, has continuously operated an established place of business in the Town or has continuously resided in the Town and now does business from his residence.

(c) Goods. Includes personal property of any kind and shall include goods provided incidental to services offered or sold.

(d) Charitable Organization shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation or one purporting to be such.

(e) Clerk. The Town Clerk.

(3) EXEMPTIONS. The following shall be exempt from all provisions of this section:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling goods at wholesale to dealers in such goods.

(c) Any person selling agricultural products which such person has grown.

LICENSES AND PERMITS 12.02(3)(d)

(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this County and who delivers such goods in their regular course of business.

(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with and specifically requested a home visit by such person.

(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under §440.41, Wis. Stats. Any charitable organization not registered under §440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this section.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk proof that such person has leased for at least one year, or purchased, the premises from which he is conducting business, or proof that such person has conducted such business in the Town for at least one year prior to the date complaint was made.

(4) REGISTRATION. (a) Applicants for registration shall complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:

1. Name, permanent address, telephone number and temporary address, if any.

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LICENSES AND PERMITS 12.02(4)(a)2.

2. Age, height, weight, color of hair and eyes.
3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
4. Temporary address and telephone number from which business shall be conducted, if any.
5. Nature of business to be conducted and a brief description of the goods offered and any services offered.
6. Proposed method of delivery of goods, if applicable.
7. Make, model and license number of any vehicle to be used by applicant in the conduct of his business.
8. Last cities, villages, towns, not to exceed 3, where applicant conducted similar business.
9. Place where applicant can be contacted for at least 7 days after leaving the Town.
10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last 5 yrs.; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required.
2. A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by State authorities.
3. A State health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under State law. Such certificate shall state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

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(c) At the time the registration is returned, a fee of \$10 shall be paid to the Clerk to cover the cost of processing such registration.

(d) The applicant shall sign a statement appointing the Clerk his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, if the applicant cannot, after reasonable effort, be served personally.

(e) Upon payment of the fee and the signing of the statement, the Clerk shall register the applicant as a direct seller and date the entry. Such registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in sub. (5)(b) below.

(5) INVESTIGATION. (a) Upon receipt of each application, the Clerk may refer it immediately to the Constable who may make and complete an investigation of the statements made in such registration.

(b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding 3, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last 5 yrs., the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of sub. (4)(b) above.

(6) APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by Ch. 24 of this Municipal Code.

(7) REGULATION OF DIRECT SELLERS. (a) Prohibited Practices. 1. A direct seller shall be prohibited from calling at any dwelling or other place between the hours of 9 p.m. and 9 a.m., except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

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LICENSES AND PERMITS 12.02(7)(a)2.

2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered shall actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the goods.

3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100' radius of the source.

5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in §423.203, Wis. Stats., the seller shall give the buyer 2 copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §§423.203(1)(a), (b) and (c), (2) and (3), Wis. Stats.

3. If the direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

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LICENSES AND PERMITS 12.02(8)

(8) RECORDS. The Constable shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.

(9) REVOCATION OF REGISTRATION. (a) Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application of registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

(b) Written notice of the hearing shall be served personally on the registrant at least 72 hrs. prior to the time set for the hearing; such notice shall contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

12.03 BICYCLES. (1) REGISTRATION. (a) Required. No Town resident shall operate a bicycle upon any public street, highway, roadway or alley within the Town unless such bicycle is properly registered and has attached to it a proper registration device.

(b) Fee. The fee for registration shall be \$_____.

(c) Term. Registration shall expire whenever the bicycle changes ownership. See sub. (4) of this section.

(2) INSPECTION. The Town Constable may refuse to register any bicycle found to be in unsafe mechanical condition or not equipped as required.

(3) OPERATION WITHOUT TAGS OR IN UNSAFE MANNER. No person shall operate any bicycle not properly registered or carrying a proper identification tag upon any street, highway, roadway or alley in the Town, or operate any bicycle in an unsafe manner or in violation of any State law.

(4) CHANGE OF OWNERSHIP. Within 10 days after any bicycle registered hereunder has changed ownership or been

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permanently dismantled and taken out of operation, such information shall be reported to the Town Constable by the person in whose name the bicycle has been registered.

(5) WARNING DEVICE. No bicycle shall be operated on Town streets unless equipped with an audible signal.

(6) PARKING. No person shall leave or park a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or anyone else.

12.05 PENALTY. In addition to the suspension or revocation of any license or permit issued under this chapter, any person found to be in violation of this chapter shall be subject to a penalty as provided in §25.04 of this Municipal Code.

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CHAPTER 14
BUILDING CODE

- 14.01 Application of Provisions
- 14.02 State Uniform Dwelling Code Adopted
- 14.03 Definitions
- 14.04 Enforcement
- 14.05 Building Permits
- 14.10 Violations
- 14.11 Liability for Damages

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14.01 APPLICATION OF PROVISIONS. The purpose and intent of this chapter shall be to:

(1) Exercise jurisdiction over the construction and inspection of new one and 2 family dwellings and additions to existing one and 2 family dwellings.

(2) Provide plan review and on site inspections of one and 2 family dwellings by inspectors certified by the Department of Industry, Labor and Human Relations.

(3) Establish and collect fees to defray administrative and enforcement costs.

(4) Establish remedies and penalties for violations.

(5) Establish use of the Wisconsin Uniform Building Permit as prescribed by the Department of Industry, Labor and Human Relations.

14.02 STATE UNIFORM DWELLING CODE ADOPTED. The Administrative Code provisions describing and defining regulations with respect to one and 2 family dwellings in Chs. Ind. 20-25, Wis. Adm. Code, whose effective dates are generally June 1, 1980, are hereby adopted and by reference made a part of this chapter 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 chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this subchapter to secure uniform Statewide regulation of one and 2 family dwellings in the Town. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

14.03 DEFINITIONS. As used in this chapter, certain words and phrases shall be defined as follows:

ADDITION. New construction performed on a dwelling which increases the outside dimensions of the dwelling.

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

DEPARTMENT. The Department of Industry, Labor and Human Relations.

DWELLING. (a) Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or 2 dwelling units.

(b) An existing structure or that part of an existing structure which is used or intended to be used as a one or 2 family dwelling.

DWELLING, ONE OR TWO FAMILY. A building or structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by 2 or more individuals maintaining a common household to the exclusion of all others.

MINOR REPAIR. Repair performed for maintenance or replacement purposes on any existing one or 2 family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

PERSON. An individual, partnership, firm or corporation.

UNIFORM DWELLING CODE. Those Administrative Code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:

- Ch. Ind. 20--Administration and Enforcement
- Ch. Ind. 21--Construction Standards
- Ch. Ind. 22--Energy Conservation Standards
- Ch. Ind. 23--Heating, Ventilating and
Air Conditioning Standards
- Ch. Ind. 24--Electrical Standards
- Ch. Ind. 25--Plumbing and Potable Water Standards

14.04 ENFORCEMENT. (1) METHOD OF. The Building Inspector appointed by the Town Board shall enforce the provisions of this chapter.

(2) 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 his agent while in the performance of his duties.

(3) RECORDS. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one and 2 family dwellings shall be kept. The Building Inspector shall make a written annual report to the Town Board relative to these matters.

14.05 BUILDING PERMITS. (1) BUILDING PERMITS REQUIRED. No one or 2 family dwelling shall be built, enlarged, altered or repaired unless a building permit for such work shall first be obtained by the owner or his agent from the Building Inspector. Application for a building permit shall be made in writing upon a form designated as the Wisconsin Uniform Dwelling Permit Application furnished by the Department of Industry, Labor and Human Relations.

(2) REPAIRS AND ADDITIONS REQUIRING PERMIT. No addition, alteration or repair to an existing one or 2 family dwelling not deemed minor repair by the Building Inspector shall be undertaken unless a building permit for such work shall first be obtained by the owner or his agent from the Inspector.

(3) SUBMISSION OF PLANS. The applicant shall submit 3 sets of plans for all new, or repairs or additions to existing, one and 2 family dwellings at the time that the building permit application is filed.

(4) ISSUANCE OF PERMIT. If the Building Inspector finds that the proposed building, or repair or addition, complies with all Town ordinances and the Uniform Dwelling Code, the 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.

(5) FEES. At the time application for a building permit is filed, the applicant shall pay the fees established by the Town Board and on file with the Town Clerk.

14.10 VIOLATIONS. (1) No person shall erect, use, occupy or maintain any one or 2 family dwelling in violation of any provision of this chapter or the Uniform Dwelling Code, or cause or permit any such violation to be committed. Any person violating any of the provisions of this chapter shall be subject to the provisions of §25.04 of this General Code.

(2) If an inspection reveals a noncompliance with this chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within 30 days after written notification unless an extension of time is granted pursuant to §Ind. 20.10(1)(c), Wis. Adm. Code.

(3) If, after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his 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.

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

(5) If any construction or work governed by the provisions of this chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

14.11 LIABILITY FOR DAMAGES. This chapter shall not be construed as an assumption of liability by the Town for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

CHAPTER 20

LAKES AND BEACHES

20.01	Intent
20.02	Applicability and Enforcement
20.03	State Boating and Water Safety Laws Adopted
20.04	Definitions
20.05	Speed Restrictions
20.06	Restricted Areas
20.07	Prohibited Operation
20.08	Traffic Rules
20.09	Moored and Anchored Objects
20.10	Waterskiing
20.11	Swimming, Skin Diving and Scuba Diving
20.12	Boats Equipped with Toilets
20.13	Mufflers
20.14	Littering
20.15	Permits
20.20	Penalties

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

20.02 APPLICABILITY AND ENFORCEMENT. The provisions of this chapter shall apply to the waters of all lakes within the jurisdiction of the Town. The provisions of this chapter shall be enforced by the constable of the Town, and the County Boat Patrol.

20.03 STATE BOATING AND WATER SAFETY LAWS ADOPTED. The statutory provisions describing and defining regulations with respect to water traffic, boats, boating and related water activities and safety in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this chapter.

- 30.50 Definitions
- 30.51 Operation of unnumbered motorboats prohibited
- 30.52 Certificates of number
- 30.53 Identification number to be displayed on boat;
certificate to be carried
- 30.54 Transfer of ownership of numbered boat
- 30.55 Notice of abandonment or destruction of boat
or change of address
- 30.60 Classification of motor boats
- 30.61 Lighting equipment
- 30.62 Other equipment
- 30.64 Patrol boats exempt from certain traffic
regulations
- 30.67 Accidents and accident reports
- 30.675 Distress signal flag

20.04 DEFINITIONS. The following terms shall have the meanings indicated:

(1) SWIMMING AREA. A zone authorized by the Town Board and marked by regulatory markers to designate a "Swimming Area".

(2) PUBLIC BOAT LANDING. Any access to the water by means of public property.

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(3) SLOW-NO-WAKE. The slowest possible speed so as to maintain steerage.

(4) PICKUP AND DROP AREA. A zone authorized by the Town Board and marked by regulatory markers to designate a water ski pickup and drop area.

20.05 SPEED RESTRICTIONS. (1) TOWN OF SCHLESWIG. (a) That a slow-no-wake speed limit shall be established on Cedar Lake and Wilke Lake between the hours of 6 p.m. and 11 a.m.

(b) Motorboats shall be prohibited on all inland lakes within the Town with the exception of:

Cedar Lake
Wilke Lake
Millhome Flowage
Rockville Flowage

(2) TOWN OF LIBERTY. Motorboats shall be prohibited on all inland lakes within the Town with the exception of Pigeon Lake.

(3) TOWN OF NEWTON. Motorboats shall be prohibited on all inland lakes within the Town with the exception of English Lake.

(4) TOWN OF ROCKLAND. (a) That a slow-no-wake speed limit shall be established on Bullhead Lake at all times.

(b) Motorboats shall be prohibited on all inland lakes within the Town with the exception of Long Lake and Bullhead Lake.

(5) Electric motors are allowed on all other lakes with a maximum of 32 lb. thrust.

(6) Motorboats shall not be operated on the Sheboygan River in Manitowoc County in excess of a slow-no-wake speed.

(7) No person shall operate a motorboat at a speed greater than is reasonable and prudent under the conditions and having the regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to avoid colliding with any object lawfully in or

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on the water or with any person, boat or other conveyance in or on the water in compliance with legal requirements and exercising due care, [§30.66(1), Wis. Stats.].

20.06 RESTRICTED AREAS. (1) DOCKS, RAFTS, ETC. Except under §20.10(4), no person may operate a motorboat within 100' of any dock, raft, pier or buoyed restricted area on any lake at a speed in excess of slow-no-wake speed, [§30.66(3), Wis. Stats.].

(2) OPERATING IN CIRCULAR COURSE. No person may operate a motorboat repeatedly in a circuitous course around any other boat or around any person who is swimming, if such circuitous course is within 200' of such boat or swimmer nor shall any boat or water skier operate or approach closer than 100' to any skin diving flag or any swimmer unless the boat is part of the skin diving operation or is accompanying the swimmer, unless physical conditions make compliance impossible, [§30.68(5), Wis. Stats.]

(3) RESTRICTED AREAS. No person shall operate a boat within a water area which has been clearly marked in accordance with law by buoys or some other distinguishing device as a bathing or swimming area nor operate a boat in restricted use areas contrary to regulatory notice pursuant to §30.74(2), Wis. Stats. This subsection does not apply in the case of an emergency or to patrol or rescue craft, [§30.68(7), Wis. Stats.].

20.07 PROHIBITED OPERATION. (1) INTOXICATED OPERATION. No person may operate a boat upon waters of this Town or use water skis, an aqua plane or similar device while under the influence of an intoxicant or a controlled substance as defined in §161.01(4), Wis. Stats., [§30.68(I), Wis. Stats.].

(2) UNNECESSARILY SOUNDING WHISTLES. No person shall unnecessarily sound a horn, whistle or other sound producing device on any boat while at anchor or under way. The use of siren on any except duly authorized patrol boats on patrol or rescue duty is prohibited, [§30.68(11), Wis. Stats.].

(3) MOLESTING OR DESTROYING AIDS TO NAVIGATION AND REGULATORY MARKERS. No unauthorized person shall move, remove, molest, tamper with, destroy or attempt to destroy, or

moor or fasten a boat (except to mooring buoys) to any navigation aids or regulatory markers, signs or other devices established and maintained to aid boaters, [§30.68(12), Wis. Stats.]

20.08 TRAFFIC RULES. (1) Every person operating a boat shall comply with the following traffic rules:

(a) When 2 motorboats are approaching each other "head and head", or so nearly so as to involve risk of collision, each boat shall bear to the right and pass the other boat on it's left side, [§30.65(a), Wis. Stats.]

(b) When 2 motorboats are approaching each other obliquely or at right angles, the boat which has the other on her right shall yield the right-of-way to the other. "Right" means from dead ahead, clockwise to 2 points abaft the starboard beam, [§30.65(b), Wis. Stats.]

(c) When a motorboat and a boat propelled entirely by sail or muscular power are proceeding in such a direction as to involve risk of collision, the motorboat shall yield the right-of-way to the other boat, [§30.65(d), Wis. Stats.]

(d) A boat may overtake and pass another boat on either side if it can be done with safety but the boat doing the overtaking shall yield the right-of-way to the boat being overtaken, notwithstanding any other rule in this section to the contrary, [§30.65(e), Wis. Stats.]

(e) A boat granted the right-of-way by this section shall maintain her course and speed, unless to do so would probably result in a collision, [§30.65(f), Wis. Stats.]

(2) COUNTERCLOCKWISE DIRECTION. On Cedar Lake, Long Lake, English Lake, Pigeon Lake and Wilke Lake between the hours of 11 a.m. and 6 p.m., all motorboats operating at a speed greater than "slow-no-wake" speed shall proceed in a counterclockwise direction.

20.09 MOORED AND ANCHORED OBJECTS. (1) ANCHORING IN TRAFFIC LANES. No person may anchor any boat or anchor place, affix or abandon any unattended boat, raft, float or similar structure in the traveled portion of any river or channel or in any traffic lane established and legally marked, so as to prevent, impede or interfere with the safe passage of any other boat through the same, [§30.68(8), Wis. Stats.]

(2) RAFTS. On Cedar Lake and Wilke Lake all swimming rafts, floats or similar structures must be anchored within 100' of shore and marked on all sides with a reflector, reflective tape or reflective paint.

20.10 WATERSKIING. (1) HOURS. Persons engaged in waterskiing, aquaplaning or similar activities shall be allowed use of the Town waters where permitted during the hours of 11 a.m. and 6 p.m. daily, and shall be restricted from said activities at any other time. No waterskiing, aquaplaning or similar activities are allowed on the Sheboygan River.

(2) OBSERVER. No person may operate a motorboat towing a person on water skis, aquaplane or similar device unless there is in the boat a competent person in addition to the operator in a position to observe the progress of the person being towed. An observer shall be considered competent if he can in fact observe the person being towed and relay any signals to the operator, [§30.69(1), Wis. Stats.]

(3) CAREFUL AND PRUDENT OPERATION. A person operating a motorboat having in tow a person on water skis, aquaplane or similar device shall operate such boat in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person, [§30.69(2), Wis. Stats.]

(4) RESTRICTION. No boat towing persons engaged in water skiing, aquaplaning or similar activity on any lake shall engage in such activity within 100' of any occupied anchored boat, marked swimming area or public boat landing, except where pickup and drop areas are established and marked with regulatory markers, [§30.69(3), Wis. Stats.]

20.11 SWIMMING, SKIN DIVING AND SCUBA DIVING. (1) The use of self-contained underwater breathing apparatus shall be prohibited between the hours of 11 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays on Cedar Lake and Wilke Lake.

(2) No person may engage in underwater diving or swimming with the use of swimming gills or skin diving in waters other than marked swimming areas or within 100' of shoreline, and no person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless

the location of such diving or swimming is distinctly marked by diver's flags, not less than 12" high and 15" long, displaying one diagonal white stripe 3" wide on a red background, and of height above the water so as to be clearly apparent at a distance of 100 yds. under normal conditions, and so designed and displayed as to be visible from any point on the horizon. Except in case of emergency, anyone engaging in such diving or swimming shall not interfere with the operation of anyone fishing nor engage in such diving or swimming in established traffic lanes; nor shall any such person alone or with another, intentionally or unintentionally, block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation, [§30.70, Wis. Stats.]

(3) On Cedar Lake and Wilke Lake no person may engage in any type of swimming beyond 100' from shore between the hours of 11 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays unless they are accompanied by a person in a boat and the swimmer stays within 20' of the boat.

20.12 BOATS EQUIPPED WITH TOILETS. No person shall operate a boat equipped with toilets on the waters of the Town unless the toilet wastes are retained for shore disposal, [§30.71(1), Wis. Stats.]

20.13 MUFFLERS. (1) The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which is so constructed and kept in constant operation that it prevents excessive or unusual noise at all times when the engine is in operation, [§30.62(2), Wis. Stats.]

(2) No motorboat shall be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the motorboat as originally constructed.

(3) No person shall operate any motorboat powered by an engine manufactured before August 1, 1975, in or upon the waters of this State in such a manner as to exceed a noise level of 86 DBA measured at a distance of 50' from the motorboat.

LAKES AND BEACHES 20.13(4)

(4) On or after August 1, 1975, no person shall operate, sell or offer for sale any motorboat for use in or upon the waters of the State in such a manner as to exceed the following noise levels:

(a) For motorboats manufactured on or after August 1, 1975 and before August 1, 1978, a noise level of 86 DBA measured at a distance of 50' from the motorboat.

(b) For motorboats manufactured on or after August 1, 1978 and before August 1, 1982, a noise level of 84 DBA measured at a distance of 50' from the motorboat.

20.14 LITTERING. No person shall leave, deposit, place or throw on the waters, ice, shores of water or upon public or private property any cans, bottles, debris, refuse or solid material.

20.15 PERMITS. (1) REQUIRED. No waterski show, performance, tournament, competition, exhibition or trials therefore shall be conducted upon the waters of the Town without the express written permission of the Town Board.

(2) NEGLIGENT OPERATION. No person shall operate or use any boat or manipulate any water skis, aqua plane or similar device upon the waters of the Town in a careless, negligent or reckless manner so as to endanger his life, property or person or the life, property or person of another, [§30.68(2), Wis. Stats.]

(3) MINORS AND INCAPACITATED PERSONS. (a) No person in charge or control of a boat shall authorize or knowingly permit the boat to be operated by any person who by reason of physical or mental disability is incapable of operating such boat under the prevailing circumstances.

(b) No person under the age of 10 years may operate a motorboat. Persons at least 10 and less than 12 years of age may operate a motorboat only if they are either accompanied in the boat by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Persons at least 12 years and less than 16 years of age may operate a motor of any horsepower, but only if they are either accompanied by a parent or guardian, or a person at least 18 years of age designated by a parent or guardian, or in the possession of a certificate issued under §30.74(1), Wis. Stats. Violations of this paragraph done with the

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knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under the penalty provisions of this chapter, [§30.68(3b), Wis. Stats.]

(4) CREATING HAZARDOUS WAKE OR WASH. (a) No person shall operate a motorboat so as to approach or pass another boat in such a manner as to create a hazardous wake or wash, [§30.68(4a), Wis. Stats.]

(b) An operator of a motorboat is liable for any damage caused to the person or property of another by the wake or wash from such motorboat unless the negligence of such other person was the primary cause of the damage, [§30.68(4b), Wis. Stats.]

(5) RIDING ON DECKS AND GUNWALES. No person operating a motorboat shall allow any person to ride or sit on the gunwales, tops of seat backs or sides or on the decking over the bow of the boat while under way, unless such person is inboard of guards or railings provided on the boat to prevent passengers from being lost overboard. Nothing in this section shall be construed to prohibit entry upon the decking over the bow of the boat for the purpose of anchoring, mooring or casting off or other necessary purpose, [§30.68(6), Wis. Stats.]

(6) OVERLOADING. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions, [§30.68(9), Wis. Stats.]

(7) OVERPOWERING. (a) No boat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration the type and construction of such watercraft and other existing operating conditions, [§30.68(10), Wis. Stats.]

(b) No person shall operate a motorboat where the maximum horsepower of the motor on the vessel exceeds that which is shown on the capacity plate affixed to the motorboat.

(8) SKI JUMPS. No water ski jump or slalom course shall be placed or anchored in the waters of the Town without the express written permission of the Town Board.

LAKES AND BEACHES 20.15(9)

(9) RESTRICTED USE AREAS. All restricted use areas on the waters of the Town must be approved by the Town Board. These areas include but are not limited to the following: swim areas, take off and landing areas, slow-no-wake speed areas or traffic channels or lanes.

20.20 PENALTIES. (1) Any person violating any provision of this chapter for which a penalty is not provided by sub. (2) or (3) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a second or subsequent time within one year.

(2) Any person violating §30.67(1), Wis. Stats., or §20.07(1) or (2) of this chapter shall forfeit not more than \$200.

(3) Any person violating §§20.06, 20.07, 20.08 or 20.10 of this chapter or convicted of the same offense a second or subsequent time within one year shall be required to obtain a certificate of satisfactory completion of a safety course under §30.74(1), Wis. Stats. Any person violating §30.67(2), Wis. Stats., shall forfeit not more than \$200.

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CHAPTER 25

CONSTRUCTION AND EFFECT OF ORDINANCES

- 25.01 Rules of Construction**
- 25.02 Conflict and Separability**
- 25.03 Clerk to File Documents Incorporated by
Reference**
- 25.04 Penalty Provisions**
- 25.05 Repeal of General Ordinances**
- 25.06 Effect of Repeals**
- 25.07 Keeping Code Current; Revisor's Amendments**

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CONSTRUCTION AND EFFECT OF ORDINANCES 25.01

25.01 RULES OF CONSTRUCTION. In the construction of this General Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

(1) WISCONSIN STATUTES. All references to "Wisconsin Statutes" or "Wis. Stats." shall mean the Wisconsin Statutes for the years 1983-84 and shall include the 1985-86 Biennial Session.

(2) GENDER, SINGULAR AND PLURAL. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction, or when the subject matter or context of such provision may be repugnant thereto.

(3) PERSON. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

(4) ACTS OF AGENTS. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

25.02 CONFLICT AND SEPARABILITY. (1) CONFLICT OF PROVISIONS. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) SEPARABILITY OF CODE PROVISIONS. If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof.

25.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE. Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by

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CONSTRUCTION AND EFFECT OF ORDINANCES 25.04

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

25.04 PENALTY PROVISIONS. (1) GENERAL PENALTY. Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

(a) First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days.

(b) Second Offense. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 6 mos.

(2) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) EXECUTION AGAINST DEFENDANT'S PROPERTY. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

CONSTRUCTION AND EFFECT OF ORDINANCES 25.04(4)

(4) CITATION. Violations of nontraffic ordinances of the Town shall be enforced by the issuance of a Municipal Citation.

(a) Information Required. The Municipal Citation shall contain the following information:

1. The name and address of the alleged violator.
2. Factual allegations describing the alleged violations.
3. The time and place of the offense.
4. The section of the Code violated.
5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
 - a. That a cash deposit based on the schedule established by the Town Board as a part of this section may be made which shall be delivered or mailed to the office of the Clerk of Court prior to the time of the scheduled court appearance.
 - b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
 - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

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CONSTRUCTION AND EFFECT OF ORDINANCES 25.04(4)(a)8.

8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. 7. above has been read. Such statement shall be sent or brought with the cash deposit.

9. Such other information as the Town deems necessary.

(b) Schedule of Deposits. The schedule of cash deposits for use with citations issued under this section shall be as adopted by the Town Board from time to time, and such schedule shall be on file in the office of the Town Clerk.

(c) Form of Deposits. Deposits shall be in cash, money order or certified check.

(d) Issuance of Citation. 1. Law Enforcement Officer. Any Town law enforcement officer may issue citations authorized under this section.

2. Town Officials. The following Town officials and their designated agents, after clearance with the Town Attorney, may issue citations with respect to those specified sections which are directly related to their official responsibilities:

(e) Procedure. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is adopted and incorporated herein by reference.

(f) Nonexclusivity. 1. Other Ordinance. This section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter.

2. Other Remedies. The issuance of a citation hereunder shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

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CONSTRUCTION AND EFFECT OF ORDINANCES 25.05

25.05 REPEAL OF GENERAL ORDINANCES. All ordinances adopted by the Town Board prior to adoption of this Code which are in conflict with the provisions of this Code are hereby repealed.

25.06 EFFECT OF REPEALS. The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the Board shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town.

(3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

25.07 KEEPING CODE CURRENT; REVISOR'S AMENDMENTS. Whenever any ordinance amending, repealing, revising or creating any section of this Code is adopted by the Town Board, the Clerk, after recording such ordinance in the ordinance book, shall forward a copy of such ordinance or resolution to the Revisor, who shall incorporate it into the Code. The Revisor shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange and edit them without first submitting them to the Town Board, and such renumbering, rearranging and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

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June 1, 1985

**ORDINANCE FOR ALTERNATIVE CLAIM PROCEDURE
FOR REFUNDS OF TAX PAYMENTS IN EXCESS OF TAX BILL AMOUNTS**

It is Hereby Ordained by the Town Board of Mishicot, Manitowoc County, as follows:

Section 1. Purpose and Intent. It is the declared intent of this ordinance that tax payments made in excess of the tax bill amounts shall be refunded pursuant to the procedures established under this ordinance within 15 business days of the payment. Further, it is the declared intent that this policy shall be in full force and effect upon adoption by the town board, with the purpose of complying with Sec. 74.03(2) of Wis. Statutes (as adopted by 1997 Wis. Act 315).

Section 2. Authority. This ordinance is adopted pursuant to the authority granted to town boards under Sec. 60.44(2) of Wis. Statutes to adopt an alternative claim procedure for approving financial claims against the town which are in the nature of bills and vouchers.

Section 3. Required Procedures of Treasurer upon payment of excess amount over tax bill amount.

Pursuant to Sec. 60.34 of Wis. Statutes upon receipt of tax payments in excess of the tax bill, the town treasurer shall deposit as soon as practicable all payments in the name of the town in public depositories designated by the town board. Upon verification by the town treasurer that the payment as deposited has cleared and not been returned as insufficient funds, but not later than ten days after depositing, the treasurer shall notify the town clerk in writing: the name and mailing address of the taxpayer for whom a refund in excess of the tax bill amount is due, the amount of the refund in excess of the tax bill, the date payment was received, and a statement that the payment as made has cleared and not been returned as insufficient funds.

Section 4. Required Procedures of Clerk upon notification from treasurer of excess payment of tax bill amount.

Upon written notification from the town treasurer that a taxpayer has made a tax payment in excess of the tax bill amount, the town clerk shall issue the normal voucher or authorization for payment of the refund of the excess amount over the tax bill amount upon finding the following:

1. Funds are available to pay the bill, assuming the tax payment has cleared and not been returned as is evidenced by the treasurer's notice.
2. The town board has authorized the refund of excess tax payments as established by the adoption of this ordinance.

3. The refund is due in the amount noticed by the town treasurer as a tax payment in excess of the amount of the tax bill.

4. The refund is a valid claim against the town, being a payment in excess of the tax bill amount.

Further the town clerk shall prepare monthly, to be submitted to the town board at each monthly board meeting, a list of claims paid under this procedure, listing the amount of the claims, the date paid, the name of the taxpayer/claimant, and that the payment was a refund for excess tax payment.

Section 5. Issuance of Disbursement from local treasury.

Upon approval of a voucher (or proper authorization) by the town clerk under the procedures listed in Section 4 of this ordinance, a refund check payable to the taxpayer/claimant named in the voucher or authorization and in the amount approved shall be written by the town clerk and countersigned by the town treasurer and the town chairperson, pursuant to Sec. 66.042 of Wis. Statutes shall be issued not later than 15 business days from the date the tax payment was received by the town treasurer as noticed by the town treasurer in Section 3 of this ordinance.

Section 6. Mailing or delivery of refund check to taxpayer/claimant.

Upon issuance of the proper countersigned refund check, pursuant to the procedures in this ordinance, the refund check shall be delivered to the taxpayer/claimant or mailed to the last known mailing address of the taxpayer/claimant by the town clerk.

Date of Passage: Oct 5, 1998

Vote For: 3 Vote Against: 0

Signed by: Glen Skubal Town Chairperson 10-5-98
Glen Skubal - Town Chairperson Date

James Miller 10-5-98
James Miller - Town Supervisor Date

Richard Heyroth 10-5-98
Richard Heyroth - Town Supervisor Date

Countersigned by the Town Clerk

Connie Tesarik 10-5-98
Connie Tesarik Date

**ORDINANCE RELATING TO
KETTLE RANGE SNOW RIDERS
SNOWMOBILE TRAIL**

Ordinance No. 1-2002

The Town Board of the Town of Mishicot, Manitowoc County, does ordain as follows:

Section 1. Purpose and Intent. It is the purpose and intent of this ordinance that, at the request of the Kettle Range Snow Riders, the Town Board of the Town of Mishicot designate the road shoulders from 15735 Saxonburg Road to a point north on Saxonburg Road a distance of one mile as a snowmobile route for snowmobile operation.

Section 2. Authority. This ordinance is adopted pursuant to the authority granted to town boards under Sec. 350.04(2) of Wis. Statutes to designate highways as snowmobile routes.

Section 3. Limitations. The designation described in Section 1 herein shall be subject to the following limitations as set forth in Sec. 350.04(2)(a)(b)(c)(d)(e):

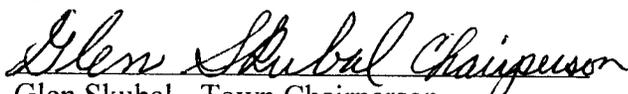
- (a) Snowmobiles shall be operated on the extreme right side of the roadway.
- (b) Left turns shall be made as safely as possible from any position depending upon snow cover and other prevailing conditions.
- (c) Snowmobile operators shall yield right-of-way to other vehicular traffic and pedestrians.
- (d) Highways designated for snowmobile operation shall be marked in accordance with s. 350.13.
- (e) Snowmobile operation is not permitted on state trunk highways or connecting highways except as provided under s. 350.02.

Section 4. Effective Date. This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law.

Passed on the 7th day of January, 2002.

Vote For: 3 Vote Against: 0

By the Town Board of the Town of Mishicot:


Glen Skubal - Town Chairperson

Attested by:


Connie Tesarik - Town Clerk

**ORDINANCE RELATING TO
ELECTION ALTERNATES AND
INSPECTOR REDUCTION**

Ordinance No. 2-2002

The Town Board of the Town of Mishicot, Manitowoc County, does ordain as follows:

Section 1. Purpose and Intent. It is the purpose and intent of this ordinance to provide for the appointment of alternate election officials or for the selection of two sets of officials to work at different times on election day as necessary. It is also the purpose and intent of this ordinance to allow for the reduction of election officials to a number not less than three as deemed necessary on a case-by-case basis by the town board due to anticipated low voter turnout. The board may also modify or rescind any similar previous action.

Section 2. Authority. This ordinance is adopted pursuant to the authority granted to town boards under Sec. 7.30 (1) and 7.32 of Wis. Statutes.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law.

Passed on the 1st day of April, 2002.

Vote For: 3 Vote Against: 0

By the Town Board of the Town of Mishicot:

Glen Skubal Chairperson
Glen Skubal - Town Chairperson

Attested by:

Connie Tesarik
Connie Tesarik - Town Clerk

ORDINANCE TO APPOINT ALTERNATE MEMBERS FOR BOARD OF REVIEW

Ordinance No. 3-2002

Whereas, 1997 Wis. Act 237 has amended the procedures for Board of Review procedures commencing in the year 2000;

Whereas, one of the changes to Sec. 70.74 of Wis. Statutes authorizes the removal of board of review members for individual cases under specific circumstances;

Whereas, Sec. 70.47 (6m)(c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

Now Therefore the Town Board of the Town of Mishicot, Manitowoc County, does ordain as follows:

1. ADOPTION.

Pursuant to Section 70.47 (6m)(c) and Sec. 70.46 (1) of Wis. Statutes, the town board hereby provides for the appointment of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.

2. APPOINTMENTS.

The following elector of the Town of Mishicot is hereby named as alternate to serve as an alternate board of review member:

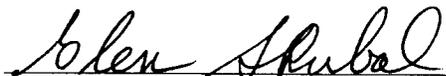
Alternate 1: Judy Johnson

3. EFFECTIVE DATE.

The appointment made in this ordinance is continuous, until otherwise changed, beginning in the Year 2002 Board of Review proceedings and effective upon posting as provided by law.

Passed on the 6th day of May, 2002

By the Town Board of the Town of Mishicot



Town Chairperson

Attested by



Town Clerk

TOWN OF MISHICOT
ORDINANCE # 1-94
MANDATORY RECYCLING ORDINANCE

The town board of the Town of Mishicot is implementing Mandatory Recycling in order to meet the requirements set forth in 1989-Wisconsin Act 335.

WHEREAS, the cost of solid waste disposal is every increasing and convenient landfill facilities and landfill space are rapidly decreasing; and

WHEREAS, the reduction of the amount of solid waste to be disposed of will reduce the cost of landfill disposal fees and extend the life of the landfill, and at the same time the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal; and

WHEREAS, it is law that recycling be mandatory on a statewide basis as of January 1, 1995, in accordance to Wisconsin Act 335; and

WHEREAS, the town board finds it in the best interest of the town to mandate recycling as set forth herein; and

WHEREAS, the town board reserves the right to amend this ordinance from time to time and declare its intent to do so, to conform with statutes and regulations regarding recycling;

NOW, THEREFORE, BE IT ORDAINED, by the town board of the Town of Mishicot, Manitowoc County, State of Wisconsin, it is hereby enacted and ordained by authority of the same that mandatory recycling will be in effect as follows:

1.01 Title. Recycling Ordinance for the Town of Mishicot

1.02 Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 159.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 159.03 (3) (b), Wis. Stats.

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

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

1.06 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.

1.07 Applicability. The requirements of this ordinance apply to all persons and organizations within the Town of Mishicot town limits.

1.08 Administration. The provisions of this ordinance shall be administered by the Town of Mishicot town board.

1.09 Effective Date. The provisions of this ordinance shall take effect on January 1, 1995.

1.10 Definitions. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of steel and aluminum.
- (2) "Container board" means corrugated paper board used in the manufacture of shipping containers and related products.
- (3) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (4) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (5) "Magazines" means magazines and other materials printed on similar paper.
- (6) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, or stove.
- (7) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (8) "Multiple family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- (11) "Office paper" means high grade, staple free, printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299 (1) (a), Wis. Stats., state agency or authority or federal agency.
- (13) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (14) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61 (5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 144.44 (7) (a) 1., Wis. Stats.
- (15) "PP" means polypropylene plastic containers marked by SPI code No. 5.
- (16) "PS" means polystyrene plastic containers marked by SPI code No. 6.
- (17) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (18) "Recyclable materials" includes lead acid batteries, major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (19) "Solid waste" has the meaning specified in s. 144.01 (15), Wis. Stats.
- (20) "Solid waste facility" has the meaning specified in s. 144.43 (5), Wis. Stats.
- (21) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
- (22) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (23) "Yard waste" means leaves, grass clippings, and yard and garden debris.
- (24) "Brush and branches" means clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries.
- (2) Major appliances.
- (3) Waste oil.
- (4) Yard waste.
- (5) Aluminum containers.
- (6) Bi-metal containers.
- (7) Corrugated paper or other container board.
- (8) Foam polystyrene packaging.
- (9) Glass containers.
- (10) Magazines or other materials printed on similar paper.
- (11) Newspapers or other materials printed on newsprint.
- (12) Office paper.
- (13) Plastic containers made of PETE(#1), HDPE(#2), PVC(#3), LDPE(#4), PP(#5), PS(#6), and mixed or other plastic resin types(#7).
- (14) Steel containers.
- (15) Waste tires.

1.12 Separation Requirements Exempted. The separation requirements of s. 1.11 do not apply to the following: (1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 1.11 from solid waste in as pure a form as technically possible. (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel. (3) A recyclable material specified in s. 1.11 for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7) (d) or 159.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s. 1.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 Care of Lead Acid Batteries, Major Appliances, Waste Oil, Waste Tires and Yard Waste. Occupants of single and two-to-four unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, waste tires and yard waste as follows: (1) Lead acid batteries, major appliances, waste tires, and waste oil shall be disposed of by the owner of the item by contacting an accepting vendor and then delivering the item as directed. (2) Yard waste shall be disposed of by composting of the material on the site at which it is produced.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the town board or its representatives, occupants of single family and two-to-four-unit residences shall do the following for the preparation and collection of separated materials specified in s. 1.11(5)-(14):

- (1) Steel/Tin Cans: Rinse out can, remove both ends and flatten.
- (2) Aluminum: Rinse out thoroughly, examples included TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
- (3) Clear and colored glass: Rinse the jar or bottle thoroughly and remove and discard the cover. Acceptable examples include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Not acceptable materials include plate glass, ceramics, clay items, and light bulbs.
- (4) Plastic Containers: Rinsed out throughly and remove caps and rings, examples are milk jugs, liquid detergent bottles, all plastics identified as numbers 1 thru 7 shall be recycled except as defined in section 1.21.
- (5) Magazines or other materials printed on similar paper shall be bundled separately.
- (6) Newspapers or other materials printed on newsprint shall be bundled separately.
- (7) Office paper shall be bundled separately.
- (8) These items (1)-(7) are to be delivered seperated and placed in the appropriate containers at the Town of Misunicot Recycling Facility.
- (9) The Town of Misunicot reserves the right to change the method preparing and collecting the materials in this section and shall provide a written notice to its residents, business and organizations of such changes.

1.16 Responsibility of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in s. 1.11(5)-(14):
 - (a) Provide adequate, separate containers for the recyclable materials.
 - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in s. 1.11(5) through (14) from solid waste in as pure a form as technically feasible.

1.17 Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in s. 1.11(5) through (14):

- (a) A Person in the Town of Mishicot owning or occupying new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.
- (b) Provide adequate, separate containers for the separated recyclable materials.
- (c) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (d) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- (e) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designate agents of non-residential facilities and properties if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials specified in s. 1.11(5) through (14) from solid waste in as pure a form as is feasible.

1.18 Responsibilities of Persons Using a Recycling Program Other Than That Which The Town of Mishicot Provides. Any person using a recycling program other than that of the Town of Mishicot, and whose facility or property is within the Town limits is required to submit the annual tonnage of materials recycled and also of materials disposed of as solid waste. This is to have supporting documentation, and will be submitted on or by December 31 each year to the Town of Mishicot.

1.19 Prohibitions on Disposal of Recyclable Materials, Hauler Licensing, Restrictions, and Processing Facilities.

- (1) No person or corporation shall engage in the business of hauling recyclables within the Town of Mishicot limits without being licensed by the Department of Natural Resources under section NR 502.06, Wis Administrative Code.
- (2) Haulers who collect solid waste or recyclables in the Town of Mishicot for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Mishicot.
- (3) No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in s. 1.11(5) through (14), generated in the Town of Mishicot that have been separated for recycling.
- (4) Any hauling contractor operating in the Town of Mishicot shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Mishicot or unless the contractor notifies the Town of Mishicot which facility they are using and, by January 1, 1995, the facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

1.20 Ownership of Recyclable Materials. Recyclable materials, upon placement at the curb or collection site, shall become the property of the hauler. Recyclable materials, upon collection by any permitted collector, shall become the property of the contractor.

1.21 Exemptions, Variances, and Temporary Suspensions.

(1) The Town of Mishicot reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Mishicot or its contractors. The Town of Mishicot shall provide written notice to its service recipients of this declaration.

(2) A variance has been granted to the responsible unit of the Town of Mishicot under Section 159.11 (2m) (d), Stats., and NR 544.14(3) (b), from the requirements in Section 159.11 (2) (b), Stats., NR 544.04(3), NR 544.05(1), and NR 544.06(2) (a), Wis. Adm. Code, that effective recycling programs require the separation and collection of the following materials during the period from January 1, 1995, through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging

(3) An exemption has been granted to the responsible unit of the Town of Mishicot under Section 159.07(7) (d), Stats., from the prohibition in Section 159.07 (3) and (4), Stats., of the disposal in a solid waste disposal facility or the burning in a solid waste treatment facility of the following materials during the period from January 1, 1995 through December 31, 1995:

- Polyvinyl chloride (PVC) (#3) containers
- Low density polyethylene (LDPE) (#4) containers
- Polypropylene (PP) (#5) containers
- Polystyrene (PS) (#6) containers
- Other/multi-layer (#7) containers
- Polystyrene (PS) foam packaging

1.22 Enforcement

(1) Any town board member or representative of the town board of the Town of Mishicot may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection areas of multiple family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any town board member or its representative of the Town of Mishicot who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by Town of Mishicot town board member or by their representative to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 may be required to forfeit \$50.00 for a first violation, \$200 for a second and not more than \$500 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.18 may be required to forfeit not less than \$25.00 nor more than \$100.00 for each violation.



Town Chairperson



Supervisor



Supervisor

Adopted 3-7-1994