

**CODE OF ORDINANCES**  
**VILLAGE OF PARDEEVILLE, WISCONSIN**

ORDAINED AND PUBLISHED  
BY AUTHORITY OF THE  
VILLAGE BOARD

Updated June 2016

## **FOREWORD**

We are pleased to provide this new Code of Ordinances for the Village of Pardeeville, Wisconsin. This codification provides a complete revision and codification of all Ordinances of a general and permanent nature of the Village. All amended Ordinances are brought up to date. The Code also includes certain new Ordinances that were prepared to fill gaps not covered by existing Ordinances.

The Code also includes several features that will facilitate its use. The various chapters and articles follow one another in a natural, logical order. The table of contents, with a complete outline of this order, will often provide sufficient reference points for the reader. In addition, the reader may consult the alphabetical index at the end of the volume. At the beginning of each chapter there is a section-by-section analysis of the articles within the chapter.

Nontextual provisions such as severability clauses, repeals and enacting clauses are omitted from the text but are covered by Title 1 of the Code. In most instances, references to "this ordinance" in the text of an ordinance have been changed to "this chapter" or "this article" as deemed appropriate. Various editorial notes, state law references and amendment notes have been included throughout the Code to clarify its provisions.

We gratefully acknowledge the cooperation and assistance rendered by the Village officials in the preparation of this Code.

**CODE OF ORDINANCES OF THE  
VILLAGE OF PARDEEVILLE**

PREFACE

Democracy is a government of laws. Good democracy requires not only good laws, but laws which are readily available in written form to all who are subject to them, to the public officials and police officers who must administer them and to the judges and attorneys who must interpret and apply them. It is for this reason that the Village Board of the Village of Pardeeville has adopted this Code of Ordinances. This Code represents the contribution of the Village Board to the democratic and efficient administration of the government and affairs of the Village of Pardeeville.

## **ADOPTING ORDINANCE**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE VILLAGE OF PARDEEVILLE, WISCONSIN; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE THE VILLAGE BOARD OF THE VILLAGE OF PARDEEVILLE, WISCONSIN DO ORDAIN AS FOLLOWS:

### SECTION 1

The Code of Ordinances is hereby adopted and enacted as the "Code of Ordinances of the Village of Pardeeville, Wisconsin," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent Ordinances of the Village passed on or before January 6 , 1986 to the extent provided in Section 2 hereof.

### SECTION 2

All provisions of the Code shall be in full force and effect from and after January 8 , 1,9 86 and all Ordinances of a general and permanent nature of the Village of Pardeeville, enacted on final passage on or before January 7, 19 86 and not included in such Code or recognized and continued in force by reference therein are hereby repealed from the Code after January 7, 1986 , except as hereinafter provided. No resolution of the Village, not specifically mentioned is hereby repealed.

### SECTION 3

(a) The repeal provided for in Section 2 hereof shall not affect the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness, or any contract or obligations assumed by the Village;
- (3) The administrative Ordinances or resolutions of the Village not in conflict or inconsistent with the provisions of the Code;
- (4) Any ordinance or resolution fixing salaries of officers or employees of the Village;
- (5) Any appropriation ordinance or resolution;
- (6) Any right or franchise granted by the Village Board to any person, firm or corporation;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing,

- paving, widening, vacating, etc., any street or public way in the Village;
- (8) Any ordinance or resolution establishing street grades of any streets in the Village;
  - (9) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
  - (10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the village;
  - (11) Any ordinance annexing property to the Village;
  - (12) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures; building codes;
  - (13) Zoning ordinances, except that certain provisions were amended as part of this recodification.
  - (14) Charter ordinances.
- (b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

#### SECTION 4

A copy of the Code shall be kept on file in the office of the Village Clerk-Treasurer, preserved in loose-leaf form, or in such other form as the Village Clerk-Treasurer may consider most expedient. It shall be the express duty of the Clerk-Treasurer or someone authorized by the Clerk-Treasurer, to insert in their designated places all amendments, Ordinances or resolutions which indicate the intention of the Village Board to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be repealed from time to time by the Village Board. This copy of the Code shall be available for all persons desiring to examine it.

#### SECTION 5

All Ordinances or parts in conflict herewith are, to the extent of such conflict, hereby repealed.

#### SECTION 6

This ordinance shall become effective on January 8 , 1986  
PASSED, APPROVED AND ADOPTED BY THE VILLAGE BOARD ON THIS 7th DAY OF  
January PURSUANT TO SECTION 66.035, WIS. STATS.

## OPEN MEETING LAW GUIDE

### General Requirements

1. Wisconsin's Open Meeting Law provides that all meetings of governmental bodies shall be open to all citizens at all times. Sec. 19.81(2), Wis. Stats.
2. Meetings of local governing bodies or their subunits must be held in places reasonably accessible to the public.
3. Meetings are open to all members of the public unless specifically provided otherwise by law.
4. When members of a governmental body gather in sufficient numbers to compose a quorum, that meeting is presumed to be convened for the purpose of conducting official business. Such a meeting is in violation of The Open Meeting Law if proper notice was not given and the meeting is not open to the public. Sec. 19.82(2), Wis. Stats.

### Public Notice

1. WHO MUST RECEIVE NOTICE. For any meeting, the presiding officer, or his/her designee, shall give notice to the official newspaper and to any other members of the news media who have filed a written request to receive such notices, or if neither exists, in a manner likely to give notice to the public. Notice must also be given as required by any other state statutes.
2. CONSTRUCTION OF NOTICE. The notice for the meeting shall include:
  - (a) the time, date and place of the meeting, and
  - (b) the subject matter of the meeting, including subject matter to be considered in closed session.

The governmental body may discuss, ~~and if urgent, act upon~~ matters which were not specifically referred to in the agenda where the agenda contains a general item, such as "miscellaneous business." Where the presiding officer has specific knowledge that matters may come before the body, they should be included on the agenda.

3. TIME FOR NOTICE. Notice must be given at least twenty-four (24) hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical, in which shorter notice may be given. In no case may notice be provided less than two (2) hours in advance of the meeting. Sec. 19.84(3), Wis. Stats.
4. COMMITTEES AND SUBUNITS EXEMPTION TO NOTICE REQUIREMENT. A legally constituted subunit of a parent government body may conduct a meeting during the recess of the governing body's

meeting or immediately after the lawful meeting to act or deliberate upon a matter which was the subject of that meeting. For this exemption to apply, the presiding officer must publicly announce the time, place and subject matter of the subunit's meeting in advance at the meeting of the governing body.

#### Procedure For Closed Sessions.

- (1) Required notice must be given if the presiding officer or his/her designee knows that a closed session is being contemplated. Notice is required regardless of whether a majority of members will or will not support going into closed session at the meeting. Sec. 19.84(2), Wis. Stats.
- (2) After first meeting in open session, with proper notice, or motion made and recorded, supported by majority vote, is required to close, with the vote of each member recorded in the minutes. Sec. 19.85(1), Wis. Stats.
- (3) If the motion to go into closed session is carried, the presiding officer shall announce to those present at the meeting (to be recorded in the minutes) the nature of the business to be considered in the closed session and the specific exemption(s) relied upon in Sec. 19.85, Wis. Stats., under which the closed session is permitted.
- (4) Only matters contained in the presiding officer's announcement of the closed session may be considered during the closed session.
- (5) An open session, with adequate notice, must precede a closed session, even where it was decided at a prior open session to go into a closed session at a subsequent meeting.
- (6) A governmental body may vote to go into closed session at a properly convened open session, for a permitted purpose, where specific notice of intent to consider going into closed session was not included on the agenda at the time notice of the open session was given. However, such procedure requires that the presiding officer or his/her designee did not contemplate or have knowledge that any of the other members contemplated, a closed session at the time notice of the agenda was given.

#### Specific Exemptions Allowing Closed Sessions.

- (1) Sec. 19.85(1)(a), Wis. Stats., creates an exemption for governmental bodies deliberating after quasi-judicial trials or hearings. However, boards of review cannot rely on this exemption, for Sec. 70.47(2m), Wis. Stats., requires all board of review meetings to be held in open session.
- (2) Sec. 19.85(1)(b), Wis. Stats., is a limited exception to the Open Meeting Law allowing the use of a closed session when a governmental body is considering the demotion, dismissal,

licensing, discipline or tenure of a public employee or a person licensed by a board or commission. This exception permits preliminary discussion and investigation without the necessity of providing actual notice to the individual involved. However, before any evidentiary hearing can be conducted or formal action taken, notice must be given to the person involved so that he or she can exercise his or her right to request an open session for those purposes.

- (3) Sec. 19.85(1)(c), Wis. Stats., sanctions the use of closed sessions where governmental bodies are considering employment, promotion, compensation or performance evaluation of any public employee. Governmental bodies should exercise caution when considering performance to avoid discussing matters that are covered by Sec. 19.85(1)(b), Wis. Stats.
- (4) Sec. 19.85(1)(d), Wis. Stats., permits the use of a closed sessions when applications for parole or probation are being considered, or when crime detection or prevention strategy is to be discussed.
- (5) Sec. 19.85(1)(e), Wis. Stats., allows closed sessions for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or the conducting of other specified public business, as long as competitive or bargaining reasons require a closed session. Under this exception, a governmental body could meet in closed session for the purpose of forming negotiation strategies, although the body must give notice that an open session will be held for the purpose of taking a vote to convene in closed session for the purpose of discussing labor negotiation strategies.
- (6) Discussions by governmental bodies considering the financial, medical, social or personal histories or disciplinary data of specific persons which, if conducted in public, would have a "substantial adverse effect upon the reputation of any person referred to" may be held in closed session under Sec. 19.85(1)(f), Wis. Stats. However, this exemption is unavailable where Sec. 19.85(1)(b), Wis. Stats., is applicable.
- (7) Sec. 19.85(1)(g), Wis. Stats., allows a governmental body to confer with its legal counsel in closed session for the purpose of obtaining oral or written advice concerning strategy to be adopted by the body with respect to present and prospective litigation directly involving the governmental body.
- (8) Closed sessions may be utilized by governmental bodies to consider requests for confidential written advice from ethics boards under Sec. 19.85(1)(h), Wis. Stats.

#### Limitations on Closed Sessions.

- (1) Sec. 19.85(2), Wis. Stats., makes it impermissible for a governmental body to reconvene in open session within twelve (12) hours after a closed session, unless public notice of the



subsequent open session was given at the same time and in the same manner as was required for the original open session.

- (2) Final ratification or approval of a collective bargaining agreement is required to be in open session under Sec. 19.85(3), Wis. Stats. However, a governmental body can vote to preliminarily approve bargaining proposals in closed session, in order to reach a consensus, as long as final ratification occurs in open session.

#### Ballots, Votes and Records.

- (1) Unless provided elsewhere by statute, no secret ballot may be utilized by a governmental body to determine any election or decision, except the election of the officers of such body. This narrow exception does not permit use of secret ballots to elect members of committees, officers of the governmental units such as department heads, or fill vacancies on the body itself.
- (2) Any member may require the ascertainment and recording of each vote.
- (3) Records of motions and roll-call votes must be preserved and open for public inspection.

#### Use of Equipment in Meetings.

- (1) A governmental unit must make a reasonable effort to accommodate the media's equipment.
- (2) Any person may record, film or photograph a meeting in open session, provided that the use of this equipment does not interfere with the conduct of the meeting(s).
- (3) A member of a governmental body does not have the right to tape record a closed session of the board.

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USE OF INDEX: This index is designed for user ease. To locate information found in the code, formulate a specific question. The key words in that question then become guides for using the index. In the event that you do not locate the desired information on your first attempt, the following checklist may help.

- (1) Cross references (when needed) are always located at the beginning of entries. Have you overlooked any?
- (2) Frequently initial questions are too general. Reformulating a more specific question may help.
- (3) Information on officials can be found in two ways. The entry for an official's name contains general duties as well as conditions of his office, such as compensation and tenure. Duties assigned to him by ordinance on specific subjects will be found under those subjects.
- (4) Definitions can be located under the "DEFINITIONS" main heading or in specific subject areas through the subheading "Definitions of terms."

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## **TITLE 1**

### General Provisions

Chapter 1 Use and Construction

Chapter 2 Use of Citation

## **CHAPTER 1**

### Use and Construction

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- § 1-1-2 Principles of Construction
- § 1-1-3 Conflict of Provisions
- § 1-1-4 Separability of Provisions
- § 1-1-5 Effective Date of Ordinances
- § 1-1-6 General Penalty
- § 1-1-7 Clerk-Treasurer to Maintain Copies of Documents  
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- § 1-1-8 Permit & License Fee Schedule to be Maintained by  
Clerk-Treasurer.

#### SEC. 1-1-1 TITLE OF CODE: CITATION.

These collected Ordinances shall be known and referred to as the "Code of Ordinances, Village of Pardeeville, Wisconsin." References to the Code of Ordinances, Village of Pardeeville, Wisconsin, shall be cited as follows: "Sec. 2-1-1, Code of Ordinances, Village of Pardeeville, Wisconsin."

#### SEC. 1-1-2 PRINCIPLES OF CONSTRUCTION.

The following rules or meanings shall be applied in the construction and interpretation of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the Ordinances:

- (1) Acts by agents. When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (2) Code and Code of Ordinances. The words "Codes, "Code of Ordinances's and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Village of Pardeeville unless the context of the section clearly indicates otherwise.
- (3) Computation of time. In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, "legal holiday" means any

statewide legal holiday specified by state law.

(4) Fine. The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.

(5) Gender. Every word in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.

(6) General rule. All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.

(7) Joint authority. All words purporting to give a joint authority to three (3) or more Village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.

(8) Person. The word "person" shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.

(9) Repeal. When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.

(10) Singular and plural Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referred to a plural number shall also be construed to apply to one (1) person or thing.

(11) Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

(12) Wisconsin Statutes. The term "Wisconsin Statutes" and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1983-84.

(13) Wisconsin Administrative Code. The term "Wisconsin Administrative Code" and its abbreviation as "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

(14) Village. The term "Village" shall mean the Village of Pardeeville, Columbia County, Wisconsin.

State Law Reference: Legal holidays, Sec. 256.17, Wis. Stats.

#### SEC. 1-1-3

#### CONFLICT OF PROVISIONS.

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.



SEC. 1-1-4

SEPARABILITY OF PROVISIONS.

If any provision of this Code of Ordinances 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 provisions of these Ordinances.

SEC. 1-1-5

EFFECTIVE DATE OF ORDINANCES.

- (a) CODE. The Code of Ordinances, Village of Pardeeville, Wisconsin shall take effect as provided by state law.
- (b) SUBSEQUENT ORDINANCES. All Ordinances passed by the Village Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication.

State Law Reference: Code of Ordinances, Sec. 66.035, Wis. Stats.

SEC. 1-1-6

GENERAL PENALTY.

- (a) GENERAL PENALTY. Except where a penalty is provided elsewhere in this Code, 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:
  - (1) First Offense - Penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars 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 ninety (90) days.
  - (2) Second Offense - Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars for each such offense, together with 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 of prosecution are paid, but not exceeding six (6) months.
- (b) CONTINUED VIOLATIONS. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) OTHER REMEDIES. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

SEC. 1-1-7

CLERK-TREASURER TO MAINTAIN COPIES OF DOCUMENTS  
INCORPORATED BY REFERENCE.

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Village Clerk-Treasurer shall maintain in his office a copy of any such material as adopted and as amended from time to time. Materials on file at the Village Clerk-Treasurer's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Clerk-Treasurer subject to such restrictions on examination as the Clerk-Treasurer imposes for the preservation of the material.

SEC. 1-1-8

PERMIT AND LICENSE FEE SCHEDULE TO BE MAINTAINED  
BY CLERK-TREASURER. Adopted 01-21-03

Any and all permit and license fees set forth in these ordinances are hereby repealed and recreated in a schedule that is placed on file with the Village Clerk of the Village of Pardeeville.

The Public Protection Committee shall review said permit and license fees from time to time and recommend amendments to the Board. Fees and permits for various uses shall be provided by Resolution adopted by the Village Board.

## CHAPTER 2

### Use of Citation

- § 1-2-1 Authorization for Use of Citation
- § 1-2-2 Officials Authorized to Issue Citation
- § 1-2-3 Form of Citation
- § 1-2-4 Schedule of Cash Deposits
- § 1-2-5 Receipt of Cash Deposit
- § 1-2-6 Procedure
- § 1-2-7 Nonexclusivity of Chapter

#### SEC. 1-2-1 AUTHORIZATION FOR USE OF CITATION.

Pursuant to the authority granted by Section 66.119, Wis. Stats., the use of a citation to be issued for violations of ordinances other than those for which a statutory counterpart exists is hereby authorized.

#### SEC. 1-2-2 OFFICIALS AUTHORIZED TO ISSUE CITATION.

Citations authorized in Section 1-2-1 above may be issued by law enforcement officers of the Village and by designated Village officials with respect to sections of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this Section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board.

#### SEC. 1-2-3 FORM OF CITATION.

The form of the citation to be issued by Village police officers or other designated Village officials is incorporated herein by reference and shall provide for the following information:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The date and place of the offense;
- (d) The section of the ordinance violated;
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;
- (g) A statement which in essence informs the alleged violator:
  - (1) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
  - (2) That if the alleged violator makes such a deposit, he need not appear in court unless subsequently summoned;
  - (3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a

plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Section 165.87, Wis. Stats., and court costs as imposed by Section 800.10, Wis. Stats., not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;

- (4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Section 165.87. Wis. Stats;
- (h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;
- (i) Such other information as may be deemed necessary.

SEC. 1-2-4      SCHEDULE OF CASH DEPOSITS.

The schedule of cash deposits for the various ordinances for which a citation may be issued are as established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Clerk-Treasurer. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Section 165.87, Wis.Stats., and court costs as imposed by Section 800.10, Wis. Stats.

SEC. 1-2-5      RECEIPT OF CASH DEPOSITS.

Deposits shall be made in cash, money order or certified check to the Clerk of Court of Columbia County, Wisconsin. Receipts shall be given for all deposits received.

SEC. 1-2-6      PROCEDURE.

Section 66.119(3) of Wisconsin Statutes relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

SEC. 1-2-7      NON-EXCLUSIVITY OF CHAPTER.

- (a) Adoption of this Chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.
- (b) The issuance of a citation hereunder shall not preclude the Village 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.

## **TITLE 2**

### **Government and Administration**

Chapter	1	Village Government and Elections
Chapter	2	Village Board
Chapter	3	Municipal Officers and Employees
Chapter	4	Boards and Commissions
Chapter	5	Finance
Chapter	6	Special Assessments
Chapter	7	Ethical Standards
Chapter	8	Review of Administrative Determinations
Chapter	9	Public Records

## **CHAPTER 1**

### **Village Government and Elections**

§ 2-1-1	Village Government
§ 2-1-2	Election Poll Hours
§ 2-1-3	Election Board
§ 2-1-4	Official Newspaper
§ 2-1-5	Wards
§ 2-1-6	Supervisory District
§ 2-1-7	Nonpartisan Primary for Elective Village Offices
§ 2-1-8	Joint Municipal Court

#### SEC. 2-1-1            VILLAGE GOVERNMENT.

The Village of Pardeeville is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chapters 61 and 66 of the Wisconsin Statutes, laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

#### SEC. 2-1-2            ELECTION POLL HOURS. (Amended 01-15-08)

The voting polls in the Village of Pardeeville, Columbia County, Wisconsin shall be opened as per State Statutes for all elections.

#### SEC. 2-1-3            ELECTION BOARD. (Amended 01-21-03 and 01-15-08)

The Village President, subject to confirmation by the Village Board, shall appoint seven (7) persons to the Election Board for a term of two (2) years. The seven (7) members of the Election Board shall serve as election inspectors pursuant to State law at regular and special elections. Persons so appointed shall be residents of the Village and shall be appointed as per State Statutes. The appointed officials shall within ten (10) days of his or her notice of appointment, file with the Village Clerk-Treasurer an oath of office

as provided for by law.

SEC. 2-1-4            OFFICIAL NEWSPAPER.    (Amended 01-21-03)

The Village of Pardeeville will have no official newspaper.

SEC. 2-1-5            WARDS.

- (a) WARDS. The Village of Pardeeville shall be, and it is hereby divided into three (3) wards, the boundaries of which shall be as follows:
  - (1) First Ward. The southern part of LaFollette Street running from Hwy. 22 westerly to the intersection with Herwig Drive. The western and southern part of Herwig Drive to the intersection of Schneider Street and the western part of Schneider Street to the intersection of West Chestnut Street and the southern part of West Chestnut Street westerly to the Village Limits, thence south to the southwest corner of the Village Limits, thence east to hwy. 22, thence northerly on the western side of hwy. 22 to point of beginning.
  - (2) Second Ward. The eastern part of Hwy. 22 northerly to Hwy. 44, the southern part of Hwy. 44 to the Village Limits, thence south along Village Limits to the southeast corner of the Village Limits, thence west along Village limits to Hwy.22 to point of beginning.
  - (3) Third Ward. The northerly part of LaFollette Street running from Hwy. 22 westerly to the intersection of Herwig Drive. The eastern and northern part of Herwig Drive to the intersection of Schneider Street and the eastern part of Schneider Street to the intersection of West Chestnut Street westerly to the Village Limits, thence north to the northwest corner of the Village Limits, thence east along the Village Limits to the northeast corner of the Village Limits thence south along the Village Limits to intersecting Hwy. 44, thence the northern part of Hwy. 44 to the intersection with Hwy. 22, thence the western part of Hwy. 22 southerly to the point of beginning.
- (b) POLLING PLACES. The polling place for the three (3) wards of the Village of Pardeeville, shall be located in the Village Hall, located in the Second Ward, Pardeeville, Wisconsin.

SEC. 2-1-6            SUPERVISORY DISTRICT. (Amended 01-21-03 and 8-16-11)

- (a) SUPERVISORY DISTRICT. The Village of Pardeeville shall be in Supervisory District #12 for the election of a County Board Representative.
- (b) POLLING PLACES. The polling place for Supervisory District #12 of the Village of Pardeeville, shall be located in the Village Hall, 114 Lake Street, Pardeeville, Wisconsin, in Ward No. 2.
- (c) ESTIMATED POPULATION. The estimated population of supervisory

District #12 is 2,115 people.

SEC. 2-1-7            NONPARTISAN PRIMARY FOR ELECTIVE VILLAGE OFFICES.

- (a) Candidates for elective Village office shall be nominated by a nonpartisan primary.
- (b) Nomination papers shall be signed by not less than twenty (20) nor more than one hundred (100) electors of the Village. The papers shall be circulated not sooner than December 1 preceding the election and shall be filed with the Village Clerk-Treasurer not later than 5:00 p.m. the first Tuesday in January, or the next day if Tuesday is a holiday.
- (c) Notice shall be given under Sections 10.01(2)(a) and 10.06(3)(a) of the Wisconsin Statutes. The Village shall hold a primary only when the number of candidates for an elective office exceeds twice the number to be elected to the office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official Spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall appear on the official ballot for the election without a primary.

State Law Reference: Sections 10.01(2)(a) and 10.06(3)(a), Wis. Stats.

SEC. 2-1-8            JOINT MUNICIPAL COURT. (Amended 10-21-03 and 1-18-11)

**SECTION 1.** An Ordinance entitled "Joint Municipal Court" is hereby created to read as follows:

- (a) JOINT MUNICIPAL COURT CREATED. Pursuant to Chapter 755, Wisconsin Statutes, there is hereby created and established a Municipal Court designated "Joint Municipal Court for the Village of Cambria, the City of Columbus, the Village of Fall River, The City of Lodi, the Village of Pardeeville, The Village of Poynette, the Village of Randolph, the Village of Rio, the Township of Columbus, and the Village of Dane" (hereinafter a.k.a. "Joint Municipal Court" or "Eastern Columbia County Joint Municipal Court") presided over by a Municipal Judge.)
- (b) MUNICIPAL COURT COMMITTEE. Composition. The Municipal Court Committee shall be comprised of one representative of each Member municipality who shall be appointed by the Mayor, President or Chairman of the Member Municipality, subject to confirmation by the respective governing body, and in addition, one member who shall be a police chief of a member Municipality, the initial member of this class shall be the Chief of Police of Fall River, replaced on a yearly basis by means of rotation among the chiefs. Chiefs will rotate as follows: Fall River, Pardeeville, Randolph, Rio, Cambria, Poynette, Lodi and Columbus. In order to assure participation and continuity of

representation, each member Municipality may appoint an alternate representative who shall act on committee matters in the absence of the representative.

- (c) CREATION AND QUALIFICATIONS OF THE POSITION OF MUNICIPAL JUDGE. Pursuant to Chapter 755, Wisconsin Statutes, the office of Municipal Judge is hereby created. Eligibility for the office of Municipal Judge shall be as follows: To be eligible for the office of Municipal Judge a person must be a qualified elector in either the Village of Cambria, or the City of Columbus, or the Village of Fall River, or the City of Lodi, or the Village of Pardeeville, or the Village of Poynette, or the Village of Randolph, or the Village of Rio.
- (d) ELECTION AND TERM OF MUNICIPAL JUDGE. The appointed Judge must run for election at large the following spring election, for a two (2) year term, commencing on May 1 succeeding his or her election. Electors of the Village of Cambria, and the City of Columbus, and the Village of Fall River, and the City of Lodi, and the Village of Pardeeville, and the Village of Poynette, and the Village of Randolph, and the Village of Rio, shall be eligible to vote for the Municipal Judge of the Joint Municipal Court.
- (e) CREATION OF THE POSITION OF CLERK OF THE MUNICIPAL COURT Pursuant to Chapter 755, Wisconsin Statutes, the office of Clerk of the Municipal Court is hereby created. Said clerk shall take the position upon Hire by the Municipal Court Committee and written Appointment by the Judge. Training and compensation of said clerk shall be as determined by the governing bodies of member municipalities.
- (f) SALARY OF MUNICIPAL JUDGE. The Municipal Judge shall receive a fixed salary and Municipal Judge's training pursuant to Section 755.18, Wisconsin Statutes, the salary to be determined by the governing bodies of member municipalities, subject to Section 755.04, Wisconsin Statutes, which shall be in lieu of fees and costs. The salary shall be paid quarterly. No salary shall be paid to the Municipal Judge for any time during his or her term for which he or she has not executed and filed the official bond and oath as required by subsection (g) of this section.
- (g) BOND AND OATH OF MUNICIPAL JUDGE. The Municipal Judge shall, after election or appointment to fill a vacancy, take and file the Official Oath as prescribed in Section 757.02(1), Wisconsin Statutes, pursuant to Section 755.03, Wisconsin Statutes, with the Clerk of the Circuit Court for Columbia County, and at the same time shall execute and file an official bond.
- (h) BOND AND OATH OF MUNICIPAL COURT CLERK. The Municipal Court Clerk shall, before entering upon the duties of the office, take and file the official oath as prescribed in section 19.01, Wisconsin Statutes, with the City Clerk of the City of Columbus and at the same time, shall execute and file an official bond.



Columbus City Clerk will provide file copies to the other seven communities.

- (i) JURISDICTION OF MUNICIPAL JUDGE. The Municipal Judge shall have jurisdiction as provided by the Statutes and Laws of the State of Wisconsin and pursuant to Section 755.045, Wisconsin Statutes.
- (j) PROCEDURES OF JOINT MUNICIPAL COURT
  - (1) The Joint Municipal Court's location and time shall be determined by order of the Municipal Judge.
  - (2) The procedure in Joint Municipal Court shall be provided by the Statutes and Laws of Wisconsin.
  - (3) The Court Clerk or his/her designee shall make daily deposits of all for forfeitures, fees, penalties, assessments and costs collected in any action or proceeding before the Joint Municipal Court. These deposits will be made to a designated bank account as determined by the Joint Municipal Court Committee.
- (k) CONTEMPT IN JOINT MUNICIPAL COURT. The Municipal Judge may impose a sanction as authorized under Section 800.12(2), Wisconsin Statutes, for Contempt of Court as defined in Section 785.01(1). Wisconsin Statutes, in accordance with the procedures under Section 785.03, Wisconsin Statutes.

**SECTION 2.** All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

**SECTION 3.** Each City or Village shall enter into agreement for the operation of the Municipal court, with the other Municipalities upon mutually agreeable terms.

**SECTION 4.** This ordinance shall take effect and be in full force and effect from and after its passage by all municipalities and publication as required.

## CHAPTER 2

### Village Board

- § 2-2-1 Village Board
- § 2-2-2 Trustees
- § 2-2-3 Village President
- § 2-2-4 Standing Committees
- § 2-2-5 General Powers of the Village Board
- § 2-2-6 Cooperation with Other Municipalities
- § 2-2-7 Internal Powers of the Board
- § 2-2-8 Salaries
- § 2-2-9 Meetings
- § 2-2-10 Special Meetings
- § 2-2-11 Open Meetings
- § 2-2-12 Quorum
- § 2-2-13 Presiding Officers
- § 2-2-14 Order of Business
- § 2-2-15 Introduction of Business, Resolutions and  
Ordinances; Disposition of Communities
- § 2-2-16 Publication and Effect of Ordinances
- § 2-2-17 Conduct of Deliberations
- § 2-2-18 Reconsideration of Questions
- § 2-2-19 Disturbances and Disorderly Conduct
- § 2-2-20 Amendment of Rules
- § 2-2-21 Suspension of Rules

#### SEC. 2-2-1            VILLAGE BOARD.

The Trustees of the Village of Pardeeville shall constitute the Village Board. The Village Board shall be vested with all the powers of the Village not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sections 6 1.32 and 6 1.34, Wis. Stats.

#### SEC. 2-2-2            TRUSTEES.

- (a) ELECTION, TERM, NUMBER. The Village of Pardeeville shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his or her office as President. The six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) APPOINTMENT AS PRESIDENT. A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Section 6 1.20 and 6 1.325, Wis. Stats.

SEC. 2-2-3

VILLAGE PRESIDENT.

- (a) ELECTION. The Village President shall be elected at the annual spring election in odd-numbered years for a term of two years, commencing on the third Tuesday of April in the year of his or her election.
- (b) DUTIES. The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

State Law Reference: Section 61.24, Wis. Stats.

SEC. 2-2-4

STANDING COMMITTEES.

- (a) COMMITTEE APPOINTMENTS. At the organizational meeting of the Village Board, the Village President shall appoint three (3) Trustees to each of the following standing committees:
  - (1) Finance and Personnel Committee.
    - a. Review and finalize annual budget, for public hearing and Village Board approval.
    - b. Monitor expenditures.
    - c. Review requests for non-budgeted or emergency expenditures.
    - d. Review any proposed changes in the Village's insurance coverage.
    - e. Serve as an appeals board for resolving grievances between an employee and his supervisor.
    - f. Review questions regarding personnel policies and administration.
    - g. Consider any other matters which may be referred by the Board.
  - (2) Public Works, Parks and Property Committee.
    - a. Review and finalize annual capital improvement program.
    - b. Recommend policy guidelines regarding public improvements.
    - c. Mediate any dispute between a property owner and the Village regarding public improvements.
    - d. Review and approve any unusual requests for use of Village-owned facilities.
    - e. Review and recommend any proposed changes, remodeling, additions, etc., to the Municipal Building.
    - f. Coordinate and administer the use of Village parks and recreation programs.

- g. Recommend for Board adoption policy guidelines for use of Village parks.
  - h. Consider any other matters which may be referred by the Village Board.
- (3) Public Protection Committee.
- a. Review and recommend Village Board action regarding proposed legislation impacting upon the Village and its residents.
  - b. Review existing ordinances or proposed amendments to the Code of Ordinances, for recommendation to the Board.
  - c. Interpret the meaning or intent of any existing ordinance, and if necessary request formal clarification by the Village Attorney.
  - d. Advisory to the Board, regarding the operation of the Police Department and the Fire Department.
  - e. Review traffic or pedestrian safety matters, and recommend needed action for Village Board approval.
  - f. Recommend for Board adoption, resolutions expressing the policy of the Village regarding matters for which a formal declaration of official policy is required.
  - g. Review and recommend applications for operators licenses, liquor licenses, picnic licenses, etc.
  - h. Exercise any and all functions, powers and duties of the Board of Health appearing in this Code or as may be required by law. Consider any other matters which may be referred by the Village Board.
- (b) PRESIDENT TO DESIGNATE CHAIRMEN. The President shall designate the chairmen of each standing committee. He shall appoint all special committees and designate the chairman of each. All committee appointments except designation of chairmen shall be subject to confirmation by a majority vote of the Board.
- (c) COMMITTEE REPORTS. Each committee shall at the next regular Board meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

SEC. 2-2-5

GENERAL POWERS OF THE VILLAGE BOARD.

- (a) GENERAL. The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers

hereby conferred shall be in addition to all other grants and shall be limited only by express language. Final approval for the hiring and dismissal of full-time, part-time and seasonal employees will be made by the Village Board.(amended 11-18-03)

- (b) ACQUISITION AND DISPOSAL OF PROPERTY. The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) ACQUISITION OF EASEMENTS AND PROPERTY RIGHTS. Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) VILLAGE FINANCES. The Village Board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefore. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) CONSTRUCTION OF POWERS. Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

- (f) CONTRACTS. (adopted by Direct Legislation Referendum on 04-05-05)

Prior to contracting with any public or private entity or individual which contract shall be for the providing of services, in whole or in part, otherwise to be provided by the Village, including without limitation by enumeration public safety, and which contract is for services to be provided for a period of six consecutive months or more and at a cumulative cost of \$100,000.00 or more, the Village Board shall either submit to the electorate a binding referendum for approval of the contract or approve the contract by two-thirds vote of the Village Board.

The wording of any referendum shall provide the specific purpose of the contract, the total amount of the contract and its duration. Nothing herein shall preclude the Village Board from exercising its role in negotiating the specific terms and conditions of any contract. This Ordinance shall be in full force and effect upon passage and publication as provided by Law.

State Law Reference: Art. XI, Sec. 3, Wis. Const.; Sec. 61.34, Wis. Stats.

SEC. 2-2-6            COOPERATION WITH OTHER MUNICIPALITIES.

The Village Board, on behalf of the Village, may join with other counties, villages, cities, towns or other governmental entities in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees.

State Law Reference: Sections 61.34(2) and 66.30, Wis. Stats.

SEC. 2-2-7            INTERNAL POWERS OF THE BOARD.

The Village Board has the power to preserve order at its meetings, compel attendance of Trustees and punish nonattendance. Members of the Village Board shall be residents of the Village at the time of their election and during their terms of office.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-8            SALARIES. (Amended 4-15-08)

- (a) PROCEDURE. The President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

- (b) SALARIES ESTABLISHED. The annual salaries of the members of the Village Board shall be as follows:
  - (1) Village President - Two Thousand Five Hundred(\$2,500.00) Dollars annually.
  - (2) Village Trustees - Two Thousand (\$2,000.00)Dollars annually.Salary increases effective April 2010.
- (c) ABSENCES. Unless otherwise excused by the Village Board, the President and Trustees shall be annually permitted to miss one
  - (1) regular meeting and one (1) special meeting without any deduction in pay. In any one (1) calendar year, after that, the sum of One Hundred(\$100.00) Dollars shall be deducted from their pay for all regular meetings missed, and Fifty (\$50.00) Dollars for all special meetings missed.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-9            MEETINGS. (Amended 07-15-03, 08-19-03, 1-15-08)

- (a) REGULAR MEETINGS. Regular meetings of the Village Board shall be held on the 3rd Tuesday of each calendar month at a time set by the Village Board at their Organizational Meeting in April of each year. Any regular meeting falling on a legal holiday shall be held on a day selected by a majority of the Board at a previous meeting. At a regular meeting of the Village Board, the Trustees can, as needed, change the date/time of the following monthly meeting by a 2/3 vote of the Board. All meetings of the Board shall be held at the Village of Pardeeville Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village of Pardeeville.
- (b) ANNUAL ORGANIZATIONAL MEETING. The Village Board shall hold an annual meeting during the third week of April for the purpose of organization.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-10            SPECIAL MEETINGS.

Special meetings of the Board may be called by the Village President, or by two (2) Trustees by filing a written request with the Clerk-Treasurer at least twenty-four (24) hours prior to the time specified for such meeting. The Clerk-Treasurer shall immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his usual place of abode. The Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open

meeting requirements of Section 61.32 and Chapter 19, Subch. IV, Wis. Stats.

State Law Reference: Sections 61.32 and 985.02(2)(a), Wis. Stats.; Ch. 19, Subch. IV, Wis. Stats.

SEC. 2-2-11            OPEN MEETINGS.    (Amended 11-15-05)

- (a) All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.

State Law Reference: Section 61.32 and Ch. 19, Subch. IV, Wis. Stats.

- (b) The Chairperson of any committee shall have the right to exclude any Trustee or Trustees from a closed meeting of that committee only if the Chairperson of the committee feels, in their sole opinion, that the Trustee or Trustees would violate the provisions of Section 2-7 dealing with ethical standards. The Chairperson shall place into the Minutes of the closed meeting, the specific violation of the ethical standards that the Chairperson has determined exists.

SEC. 2-2-12            QUORUM.

- (a) Four (4) members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Clerk-Treasurer shall proceed to call the roll in alphabetical order, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

State Law Reference: Section 61.32, Wis. Stats.

SEC. 2-2-13            PRESIDING OFFICERS.

- (a) THE VILLAGE PRESIDENT SHALL PRESIDE. The Village President shall preside over meetings of the Village Board. In case of absence of the President, the Clerk-Treasurer shall call the meeting to order and preside until the Trustees present select a Trustee to preside temporarily.
- (b) DUTIES. The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, unless otherwise provided by statute



or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

- (c) PARTICIPATION IN DEBATE. The presiding officer may speak upon any question or make any motion if he vacates the chair and designates a Trustee to preside temporarily.

State Law Reference: Section 6 1.32, Wis. Stats.

SEC. 2-2-14            ORDER OF BUSINESS.

- (a) ORDER OF BUSINESS. At all meetings, the following order may be observed in conducting the business of the Village Board:
  - (1) Call to Order by presiding officer;
  - (2) Roll call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specified date);
  - (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings;
  - (4) Presentation of petitions; business from the floor; communications
  - (5) Presentation of bills;
  - (6) Committee reports;
  - (7) Ordinances and resolutions;
  - (8) Unfinished business;
  - (9) New and miscellaneous business;
  - (10) Adjourn.
- (b) ORDER TO BE FOLLOWED. No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

SEC. 2-2-15            INTRODUCTION OF BUSINESS, RESOLUTIONS AND ORDINANCES;  
DISPOSITION OF COMMUNICATIONS.

- (a) ORDINANCES TO BE IN WRITING. All ordinances, resolutions, bylaws or other communications submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter, a title and the name of the Trustee introducing same and shall be referred to the appropriate committee by the President. The committee shall report back to the Board on the matter at the next Board meeting. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full
- (b) SUBJECT AND NUMBERING OF ORDINANCES. Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) NOTICE.

- (1) The Village Board may take action on an ordinance or resolution only if it appears on the written agenda for meeting at which action is requested.
  - (2) Resolutions or ordinances will be placed on the agenda for Board action only if they are submitted to the Clerk-Treasurer in written form a minimum of seven (7) days prior to the meeting at which action is requested.
- (d) DISPOSITION OF PETITIONS, COMMUNICATION, ETC. Every petition or other writing of any kind, addressed to the Village Board or to the Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by the Clerk-Treasurer or such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.

SEC. 2-2-16      PUBLICATION AND EFFECT OF ORDINANCES.

All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law, and shall be immediately recorded, with the affidavit of publication, by the Village Clerk-Treasurer in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.

State Law Reference: Section 6 1.32, Wis. Stats.

SEC. 2-2-17      CONDUCT OF DELIBERATIONS. (Amended 07-15-03)

- (a) A roll call shall not be necessary on any questions or motions except as follows:
  - (1) When the ayes and noes are requested by any member.
  - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money, or creating any liability or charge against the Village or any fund thereof.
  - (3) When required by the state statutes of Wisconsin.
- (b) All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board, or the President, and the Clerk-Treasurer shall call the roll starting with "A" in alphabetical order. Subsequent roll call votes will start with "B", then "C" and so on until all of the alphabet has had a chance to vote first in the roll. When the last voter in the alphabet has had his/her chance to vote first, the process will

reverse alphabetical order.

- (c) Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules of Order, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:
- (1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Board and confine his remarks to the question under discussion and avoid all personalities.
  - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
  - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with the permission of the presiding officer as to matters which are being considered by the Board at the time.

SEC. 2-2-18            RECONSIDERATION OF QUESTIONS.

When a question has been once decided, any member of the majority, or in case of a tie, any member voting in the affirmative, may move a reconsideration thereof; but if a motion to reconsider be made on a day subsequent to that on which the ordinance question was decided, a vote of the majority of the entire Board shall be required to sustain it.

SEC. 2-2-19            DISTURBANCES AND DISORDERLY CONDUCT.

Whenever any disturbance or disorderly conduct shall occur in any of the meetings of the Board, the President may cause the room to be cleared of all persons guilty of such disorderly conduct except the Trustees.

SEC. 2-2-20            AMENDMENT OF RULES.

The rules of this Chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds of all the members of the Board.

SEC. 2-2-21            SUSPENSION OF RULES.

These rules shall not be suspended except by a two-thirds vote of all the members of the Board.

## CHAPTER 3

### Municipal Officers and Employees

- § 2-3-1 General Provisions
- § 2-3-2 Village Clerk-Treasurer
- § 2-3-2.1 Village Administrator
- § 2-3-3 Deputy Clerk-Treasurer
- § 2-3-4 Village Attorney
- § 2-3-5 Chief of Police
- § 2-3-6 Fire Chief and Fire Inspector
- § 2-3-7 Assessor
- ~~§ 2-3-8 Health Officer repealed 01-21-03~~
- § 2-3-9 Weed Commissioner
- § 2-3-10 Building Inspector
- § 2-3-11 Director of Public Works
- § 2-3-12 Eligibility for Office
- § 2-3-13 Oaths of Office
- § 2-3-14 Vacancies
- § 2-3-15 Removal from Office
- § 2-3-16 Custody of Official Property
- § 2-3-17 Official Bonds; Officers Not to be Sureties

#### SEC. 2-3-1            GENERAL PROVISIONS.

- (a) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board
- (b) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) The general laws for the punishment of bribery, misdemeanors and corruption in office, shall apply to Village officers
- (d) Whenever a Village official in his official capacity proceeded against or obliged to proceed before any Court, Board or Commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

#### SEC. 2-3-2            VILLAGE CLERK-TREASURER.

- (a) DECLARATION OF EXEMPTION FROM CERTAIN STATUTES. Pursuant to Sections 61.195, 61.197 and 66.01 from Wisconsin Statutes, the Village of Pardeeville elects not to be governed by Section 61.19 and subsection (2) of Section 61.25, Wis. Stats., insofar as they relate to the selection and tenure of the Clerk-Treasurer by election, to the extent that such sections are in conflict with this Chapter (Charter Ord. dated 5/3/1972).
- (b) CREATION OF CONSOLIDATED OFFICE. The Village of Pardeeville hereby elects, pursuant to Sec. 61.195, Wis. Stats., that the offices of Village Clerk and Village Treasurer of the Village of Pardeeville shall be combined and that the official to perform the duties of such office after its combination and merger shall be selected as herein provided.
- (c) APPOINTMENT; TERM. The office of Clerk-Treasurer shall be an appointive office. The Clerk-Treasurer shall be appointed by a majority vote of all of the members of the Village Board and shall hold office for an indefinite term, subject to removal as provided in Sec. 17.13, Wis. Stats. An applicant for the appointment to the office of Village Clerk-Treasurer shall be a minimum of eighteen (18) years of age; have a high school diploma; have some experience with bookkeeping, record keeping and procedure.
- (d) DUTIES. Such person appointed to perform the duties of the combined offices shall perform all duties required of both offices as provided by law, and such other duties as are requested to be executed by such person by the Village Board from time to time, as well as such other and further duties with reference to the operation of and administration of the water and sewer facilities of the Village.

State Law Reference Sections 61.25, 61.26 and 66.01, Wis. Stats.

SEC. 2-3-2.1      VILLAGE ADMINISTRATOR.

- (a) In order to provide the Village of Pardeeville with a more efficient, effective and responsible government under a system of a part-time Village Board President and part-time Village Board at a time when Village government is becoming increasingly complex, there is hereby created the Office of Village Administrator for the Village of Pardeeville (hereinafter referred to as "administrator").
- (b) COMBINE ADMINISTRATOR AND CLERK POSITIONS. The positions of administrator and clerk are combined by this ordinance (with the combined position hereinafter referred to as "administrator".)
- (c) APPOINTMENT, TERM OF OFFICE AND REMOVAL. The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the Village Board. For the purposes of appointing or terminating the administrator, the Village Board President and each board member shall cast one vote. The administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the Village Board. This section, however, shall not preclude the Village

Board from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the Municipal Code of the Village of Pardeeville.

- (d) RESIDENCY. (Amended 08-19-03) The administrator shall make their residency within twelve (12) miles of the Pardeeville Village limits within one year following the date of appointment, unless this requirement is specifically waived or varied by Village Board ordinance or by contract authorized by the Village Board, and entered into with the administrator, covering the terms and conditions of residency.
- (e) FUNCTIONS AND DUTIES OF THE ADMINISTRATOR. The administrator, subject to the limitations defined in resolutions and ordinances of the Village of Pardeeville and Wisconsin State Statutes, shall be the chief administrative officer of the Village, responsible only to the Village Board President and the Village Board for the proper administration of the business affairs of the Village pursuant to the statutes of the State of Wisconsin, the ordinances of the Village of Pardeeville, and the resolutions and directives of the Village Board, with power and duties as follows:

#### GENERAL DUTIES

- (1) Carry out directives of the Village Board President and Village Board which require administrative implementation, reporting promptly to the Village Board President and Village Board any difficulties encountered herein;
- (2) Be responsible for the administration of all day-to-day operations of the Village government including the monitoring of all Village ordinances, resolutions, Village Board meeting minutes and state statutes;
- (3) Establish when necessary administrative procedures to increase the effectiveness and efficiency of Village government according to current practices in local government, or directives of the Village Board President and Village Board
- (4) Serve as ex-officio nonvoting member of all boards, commissions and committees of the Village, except as specified by the Village Board of Wisconsin State Statutes;
- (5) Keep informed concerning current federal, state, and county legislation and administrative rules affecting the Village and submit appropriate reports and recommendations thereon to the Village Board;
- (6) Keep informed concerning the availability of federal, state and county funds for local programs. Assist department heads and the Village Board in obtaining these funds under the direction of the Village Board President and the Village Board;
- (7) Represent the Village in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the Village Board President and Village Board;
- (8) Act as public information officer for the Village with the responsibility of assuring that the news media are kept

- informed about the operations of the Village and that all open meeting rules and regulations are followed;
- (9) Establish and maintain procedures to facilitate communications between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;
  - (10) Promote the economic well-being and growth of the Village through public and private sector cooperation.

(f) RESPONSIBILITIES TO THE VILLAGE BOARD.

- (1) Attend all meetings of the Village Board, assisting the Village Board President and the Village Board as required in the performance of their duties;
- (2) In coordination with the Village Board President and the Village Board ensure that appropriate agendas are prepared to all meetings of the Village Board, all Village Board committees and all other appropriate committees and commissions of the Village, together with such supporting material as may be required, with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the Village Board, or any of it's committees and commissions;
- (3) Assist in the preparation of ordinances and resolutions as requested by the Village Board President or the Village Board, or as needed;
- (4) Keep the Village Board President and Village Board regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the Village Board;
- (5) In the event that action normally requiring Village Board approval is necessary at a time when the Village Board cannot meet, the administrator shall receive directives from the Village Board President.

(g) PERSONNEL

- (1) Be responsible for the administrative direction and coordination of all employees of the Village, including utility employees, according to the established organization procedures;
- (2) Recommend to the Finance & Personnel Committee the promotion, and when necessary for the good of the Village, the suspension or termination of department heads; (Amended 02-17-04)
- (3) In consultation with the appropriate department head recommend to the Finance & personnel Committee the promotion, and when necessary for the good of the Village, the suspension or termination of employees below the department head level; (Amended 02-17-04)
- (4) Serve as personnel officer for the Village with responsibilities to see that complete and current personnel records, including specific job descriptions, for all

- Village employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for Village employees not covered by collective bargaining agreements; develop and enforce high standards of performance by Village employees; assure that Village employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;
- (5) Assist in labor contract negotiations and collective bargaining issues;
  - (6) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings training schools, etc., provided that funds have been budgeted for these activities.

(h) BUDGETING AND PURCHASING.

- (1) Be responsible for the preparation of the annual Village budget, in accordance with guidelines as may be provided by the Village Board and in coordination with department heads, and pursuant to state statutes, for review and approval by the Village Board President and the Village Board;
- (2) Administer the budget as adopted by the Village Board;
- (3) Report regularly to the Village Board on the current fiscal position of the Village
- (4) Supervise the accounting system of the Village and insure that the system employs methods in accordance with current professional accounting practices;
- (5) Serve as the purchasing agent for the Village, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the Village Board and any limitation contained in the Wisconsin State Statutes;

(i) DUTIES AS CLERK The administrator shall perform the duties of Village clerk as prescribed in Wisconsin Statute Chapter 62.09(11).

(j) COOPERATION All officials and employees, including utility employees, of the Village shall cooperate with and assist the administrator so that the Village government shall function effectively and efficiently.

(k) SEVERABILITY The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board of the Village of Pardeeville would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid; and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons



or circumstances shall not be affected thereby.

- (1) EFFECTIVE DATE This ordinance shall take effect and be in force from and after it's passage and publication as provided by law.

SEC. 2-3-3                    DEPUTY CLERK-TREASURER.

The Village President may appoint a Deputy Clerk-Treasurer subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have an indefinite term of office. The Deputy Clerk-Treasurer shall act under the Clerk-Treasurer's direction and who during the temporary absence or disability of the Clerk-Treasurer or during a vacancy in such office shall perform the duties of Clerk-Treasurer. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

State Law Reference: Section 61.261, Wis. Stats.

SEC. 2-3-4                    VILLAGE ATTORNEY.

- (a) ELECTION. The office of Village Attorney is an appointed position. The Village President shall annually appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney's term shall commence on the first day of May succeeding his appointment.
- (b) The Village Attorney shall have the following duties:
- (1) The Attorney shall conduct all of the law business in which the Village is interested.
  - (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
  - (3) He shall draft ordinances, bonds and other instruments as may be required by Village officers.
  - (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
  - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
  - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

SEC. 2-3-5                    CHIEF OF POLICE.

- (a) APPOINTMENT:
- (1) The Chief of Police shall be appointed by the Village Board. The Chief of Police shall hold office during good

behavior, subject to suspension or removal by the Board. The Chief of Police shall serve a probationary period of one (1) year, unless otherwise approved for a different period by the Village Board, or if extended for a just cause by the Village Board. During the probationary period, the Village Board may, at its option, lay off, or terminate with or without cause, said probationary employee without recourse to any grievance and arbitration procedures.

- (2) The compensation to be paid the Chief of Police for their services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment shall be such as may be determined by the Village Board from time to time.

(b) GENERAL DUTIES:

- (1) The Chief of Police shall have command of the Police Department. He shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He shall perform all duties prescribed to him by laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village President or Village Board.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of persons charged with crime.

SEC. 2-3-6

FIRE CHIEF AND FIRE INSPECTOR.

- (a) APPOINTMENT. The Fire Chief shall be selected according to the bylaws of the Pardeeville Fire Protection District.

(b) POWERS AND DUTIES OF CHIEF.

- (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
- (2) It shall be the duty of the Chief to preside at all meetings of the Department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce a rigid observance of this ordinance and the bylaws.
- (3) It shall be the duty of the Chief to be present at all fires, to have complete command of and entire responsibility for all fire-fighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.

- (4) He shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (5) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

SEC. 2-3-7            ASSESSOR.

- (a) The Village of Pardeeville hereby elects not to be governed by those portions of Section 61.19 of the Wisconsin Statutes relating to the method of selection of the Village Assessor which are in conflict with this Section. (Charter Ordinance.)
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed by the Village President, subject to confirmation by a two-thirds vote of the members-elect of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he or she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
- (c) The term of said Assessor shall be for one (1) year, or until his successor is selected and qualifies. The term shall commence on January 1st following appointment.

State Law Reference: Public Officials' oaths and bonds, Section 19.01, Wis. Stats.; corporation as assessor, Section 61.197 and 61.27, Wis. Stats.; affidavit of assessor, Section 70.49, Wis. Stats.; assessor certification, Section 73.02, Wis. Stats.; assessors in cities, Section 70.05, Wis. Stats.

~~SEC. 2-3-8~~            ~~HEALTH OFFICER~~    (Repealed 01/21/03)

SEC. 2-3-9            WEED COMMISSIONER.

The Weed Commissioner shall be appointed by the Village

President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his or her appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Clerk-Treasurer, and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

State Law Reference: Sections 66.97 and 66.98, Wis. Stats.

SEC. 2-3-10            BUILDING INSPECTOR

(a) BUILDING INSPECTOR POSITION.

- (1) There is hereby created the position of Building Inspector who shall be appointed by the Village President, subject to confirmation by the Village Board. His appointment shall continue during good behavior and satisfactory service.
- (2) During temporary absence or disability of the Building Inspector, the appointing authority shall designate an acting Building Inspector.
- (3) The manner and amount of compensation to be paid to the Building Inspector shall be fixed by the Village Board.

(b) POWERS AND DUTIES.

- (1) It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to building permits and zoning.
- (2) The Building Inspector shall make all inspections necessary for compliance and enforcement of the zoning code.
- (3) The Building Inspector shall have the power to order all work stopped on construction, alteration or repair of buildings, plumbing equipment, gas piping or of electrical facilities in the Village when such work is being done in violation of any Village ordinance. Work shall not be resumed after the issuance of such an order except on written permission of the inspector.
- (4) The Building Inspector shall issue or cause to be issued all proper permits for such work after payment of the fees required therefor. He shall process all applications, make all inspections and have the authority to issue or cause to be issued a certificate of completion.

(c) RIGHT OF ENTRY. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

SEC. 2-3-11            DIRECTOR OF PUBLIC WORKS.

- (a) QUALIFICATIONS. The Director of Public Works shall be experienced in fields of construction, maintenance and/or municipal operations, having worked in such fields or combination of such fields, for a period of at least two (2)

years. In the alternative, the Director shall be a professional engineer authorized to practice in the State of Wisconsin, or in the alternative shall have sufficient professional credits, to qualify as a Director of Public Works in the area of management thereof.

- (b) SELECTION. The Director of Public Works shall be selected by the Village Board of Pardeeville, and shall be hired by such Board. Selection shall be made solely on merit and upon the basis of training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of his position.
- (c) TERM AND REMOVAL. The Director of Public Works shall be an appointive office. The Director of Public Works shall be appointed by a majority vote of all of the members of the Village Board and shall hold office for an indefinite term, subject to removal as provided in Sec. 17.12(1) (c) and (d), Wis. Stats.
- (d) COMPENSATION. The salary of the Director of Public Works shall be established by the Village Board. (Amended 02-17-04)
- (e) DUTIES AND POWERS. The Director of Public Works shall have the following duties and powers:
  - (1) He shall perform all duties of the Director of Public Works as is required by law, ordinance, resolution, motion or other direction except to the extent to which such duties and/or services may be covered by a binding contract with others as may be authorized and approved by the Village Board. He shall keep the records of the office in accordance with Wisconsin Statutes.
  - (2) Subject to the direction of the Village Board, the Water and Sewer Commission and the Pardeeville Electric Commission, he shall be responsible for the administration of the Public Works and Services and the activities of the Water and Sewer Commission and the Pardeeville Electric Commission; in case of conflicting positions, the Village Board shall make the final decision. It shall be his responsibility to coordinate all activities by all of the departments within said Village, exclusive of the Police Department, and shall utilize the manpower and material to the greatest possible efficiency.
  - (3) He shall be authorized to hire part-time help with the approval of the Village President during emergencies such as snow removal emergencies, and in addition, will direct all Village Employees other than those employed in protective occupations, and will give work orders on a daily basis, assigning the workloads to such employees. In addition, he shall work out a vacation schedule with such employees, and keep a regular record of such.
  - (4) He shall be expected to work in whatever capacity he can, and that he shall in fact be a working foreman of all Village crews. He shall keep a detailed log of the hours and type of work performed by each employee, and shall submit a report of the activities of each employee, to the respective departments involved.
  - (5) He shall be required to attend all department meetings and

regular Village Board meetings, and such other special meetings as may be requested of him. He will make recommendations and/or suggestions for consideration to the proper departments, and shall work with such departments preparing their annual budgets.

- (6) He shall be responsible for the purchase of all supplies and materials as directed and approved by the various departments, utilities, and/or Village Board. He may make purchases on behalf of the Village up to the sum of One Hundred (\$100.00) Dollars, without any prior approval of any department and/or Village Board.
  - (7) He shall be responsible for the maintenance and care of all equipment, and shall have the power to reprimand, suspend or terminate any employee. Any employee so suspended or terminated may request a hearing, in writing, before a joint meeting of the Village Board and Utility Commissions, if he/she was hired for water and sewer or electric work as their principal occupations and a hearing shall be scheduled within fourteen (14) days from such a request.
- (f) RESIDENCY. The Director of Public Works shall make their residency within twelve (12) miles of the Pardeeville Village limits within one year following the date of appointment unless this requirement is specifically waived or varied by village Board ordinance or by contract authorized by the Village Board, and entered into with the Director of Public Works, covering the terms and conditions of residency. (Amended 08-19-03)

SEC. 2-3-12      ELIGIBILITY FOR OFFICE.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one year thereafter.

State Law Reference: Section 62.09(2), Wis. Stats.

SEC. 2-3-13      OATHS OF OFFICE.

- (a) REQUIREMENT. Within five (5) days after the election or appointment of any Village officers, the Village Clerk-Treasurer shall notify the person so selected thereof unless he or she voted at the election. Every person elected or appointed to the office of Village President or Clerk-Treasurer shall within five (5) days after election or notice thereof, when required, take and file the official oath.
- (b) FORM, PROCEDURE. The form, filing and general procedure for the

taking of oaths shall be governed by Ch. 19, sub chapter I, Wis. Stats.

State Law Reference: Ch. 19, Sub ch. I, Wis. Stats.

SEC. 2-3-14            VACANCIES.

- (a) HOW OCCURRING. Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) HOW FILLED. Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.24, Wis. Stats.
- (c) TEMPORARY INCAPACITATION. If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

State Law Reference: Section 6 1.23, Wis. Stats.

SEC. 2-3-15            REMOVAL FROM OFFICE.

- (a) ELECTED OFFICIALS. Elected officials may be removed by the Village Board as provided in Sections 17.12(1)(a) and 17.16, Wis. Stats.
- (b) APPOINTED OFFICIALS. Appointed officials may be removed as provided in Section 17.12(1)(c) and 17.16, Wis. Stats.

Annotation:            62 Atty. Gen. Op. 97.

SEC. 2-3-16            CUSTODY OF OFFICIAL PROPERTY.

Village officers must observe the standards of care imposed by section 19.21, Wis. Stats., with respect to the care and custody of official property.

State Law Reference: Section 19.21, Wis. Stats.

SEC. 2-3-17            OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES.

Every bond required of a Village officer shall be executed with sufficient sureties in a sum fixed by the Village Board when not otherwise prescribed and be approved by the Village President.

State Law Reference: Section 61.22, Wis. Stats.

## CHAPTER 4

### Boards, Commissions and Committees

- § 2-4-1 Board of Review
- § 2-4-2 Board of Health
- § 2-4-3 Zoning Board of Appeals
- § 2-4-4 Plan Commission
- § 2-4-5 Library Board
- § 2-4-6 Public Utility Commission
- § 2-4-7 Police Commission
- § 2-4-8 Community Development Authority
- § 2-4-9 Park and Recreation Board
- § 2-4-20 General Provisions Regarding Meetings and Public Notice

#### SEC. 2-4-1 BOARD OF REVIEW.

- (a) COMPOSITION. The Board of Review shall consist of the Village President, the Clerk-Treasurer, two (2) Trustees of the Village Board, who shall be annually appointed at the Board's organizational meeting, and two (2) citizen members. A citizen member shall be appointed at the April organizational meeting, and shall hold office for a term of two (2) years, or until their successors have been appointed, and qualified. The President of the Village Board shall make the appointments, subject to the confirmation of the Board of Trustees, at said organizational meeting.
- (b) DUTIES.
  - (1) Duties. The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
  - (2) Compensation. Compensation for the members of the Board of Review, shall be as is established by the Board of Trustees for such Village, at the organizational meeting in April. Compensation shall include per diem, and may include a mileage quotation, if necessary.
- (c) MEETINGS. The Board of Review shall meet annually on the second Monday of May, and notice of such meeting shall be published pursuant to the State Statutes. The Board, through its Clerk-Treasurer, shall establish its meeting hours pursuant to Sec. 70.47(3)(b), Wis. Stats. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

State Law Reference: Sections 70.46 and 70.47, Wis. Stats.

#### SEC. 2-4-2 BOARD OF HEALTH.

- (a) COMPOSITION. The Board of Health shall consist of the members of the Village Board serving as a committee of the whole.



- (b) POWER OF APPOINTMENT. The Board of Health may appoint persons to aid them.
- (c) RESPONSIBILITIES.
  - (1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health to assume the general administration of health and sanitation laws and regulations in the Village, to supervise the work of the Health Officer and to attend to the administration and enforcement of the health laws of the State and the rules and regulations prescribed by the State Board of Health and the ordinances of the Village.
  - (2) Powers: The Board shall take such measures and make such rules and regulations as shall be necessary and effectual for the preservation and promotion of the public health in the Village. All orders and regulations of the Board shall be published in the official newspaper and after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Section 141.0 15, Wis. Stats.

SEC. 2-4-3                      ZONING BOARD OF APPEALS.

- (a) ESTABLISHMENT. A Zoning Board of Appeals shall be appointed as specified in Section 62.23(7) (e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, and two alternates, appointed by the Village President subject to confirmation by the Village Board. The members shall serve without compensation and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.  
(amended 3-20-07)
- (b) POWERS. The Zoning Board of Appeals shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is error in any order, requirement decision, or determination made by an administrative official in the enforcement of the Zoning Code or Flood plain Zoning Code.
  - (2) To hear and decide special exceptions to the terms of the Village zoning and flood plain zoning regulations upon which the Board of Appeals is required to pass.
  - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

- (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.
- (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of the Zoning Code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.
- (c) MEETING AND RULES. All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Clerk-Treasurer and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Section or with the applicable Wisconsin Statutes.
- (d) OFFICES. The Village Board shall provide suitable offices for holding for hearings and the presentation of records, documents, and accounts.
- (e) APPROPRIATIONS. The Village Board shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.

State Law Reference: Section 62.23(7)(e), Wis. Stats.

SEC. 2-4-4            PLAN COMMISSION.

- (a) COMPOSITION. The Village Plan Commission shall consist of the Village President, one (1) Trustee and five (5) citizens.
- (b) APPOINTMENT.
- (1) Trustee Members. The Trustee member shall be annually appointed at the organizational meeting of the Village Board during the month of April of each year.
- (2) Citizen Members. The five (5) regular citizen members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen

members shall be appointed upon creation of the commission and shall hold office for a period of one and two years, respectively, from the succeeding first day of May and thereafter annually during the month of April such member shall be appointed for a term of two (2) years.

- (c) RECORD. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk- Treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.

- (d) DUTIES.

- (1) The Master Plan.

- a. The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- b. The Commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be

solely to aid the Plan Commission and the Village Board in the performance of their duties.

- (2) Matters referred to Plan Commission. The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the board or other public body or officer, may take final action without it.

(3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board.

State Law References: Secs. 61.35, 62.23, and Chapter 236, Wis. Stats.

SEC. 2-4-5      LIBRARY BOARD    (Amended 6/18/13)

(a) ORGANIZATION: TERMS.

(1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village of Pardeeville, consisting of a seven (7) member board in three (3) classes, two (2) of such members shall serve for a period of three (3) years, two (2) to serve for two (2) years, and two (2) to serve for a period of one (1) year.

(2) Terms of such members shall commence immediately after the annual April organizational meeting of the Village Board, and thereafter each regular appointment shall be for a term of three

(3) years. Not more than one (1) member of the Village Board body shall at any one time be a member of the Library Board. The Village trustee member term shall also commence immediately after the April annual organizational meeting of the Village Board and run until the following April annual organizational meeting. Members shall be appointed by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members a school district administrator, or his representative, to represent the public school district or districts in which the library is located.

(3) A majority of the membership of the Board shall constitute a quorum.

(4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other officers that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.

- (b) DUTIES AND POWERS. The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in section 43.58 of the Wisconsin Statutes.

State Law Reference: Sections 43.54 and 43.58, Wis. Stats.

SEC. 2-4-6            PUBLIC UTILITY COMMISSION.

- (a) CREATION. There is hereby created a single Public Utility Commission, to manage the Electric, Sewer, and Water Utilities.

- (b) COMPOSITION. The Public Utility Commission shall consist of seven (7) members.

(1) TRUSTEE MEMBERS. The two (2) trustee members shall be the Chairperson of the Finance & Personnel Committee and the Chairperson of the Public Works, Parks, and Property Committee.

(2) CITIZEN MEMBERS. The five (5) citizen members of the commission shall be appointed by the Village President subject to confirmation by the Village Board, at the organizational meeting of the Board during the month of April. The five (5) original citizen members who are appointed upon the creation of the commission shall hold office for a period of one, two and three (1, 2 and 3) years, respectively, and thereafter annually during the month of April for a period of three (3) years.

(3) The Director of Public Works will act in an advisory capacity to the commission and attend all of its meetings.

- (c) ORGANIZATION. As soon as possible after their appointment, and annually thereafter, the members of the Utility Commission shall organize by choosing from among their numbers, a President and Secretary.

- (d) AUTHORITY. (Amended 08-19-03)

(1) Subject to the general supervision and control of the Village Board, the Utility Commission shall have entire charge

and management of the electric, sewer, and water utilities of the Village of Pardeeville and shall supervise the operations of such said utilities except as to those specific powers retained by the Village Board as set forth in (3) below.

(2) The Commission shall make rules for its own proceedings and for the government of its department.

(3) The Commission shall have such general powers in the construction extension, improvement, and operation of the utilities as shall be designated by the Village Board. All construction work and equipment purchases shall be under the immediate supervision of the Village Board. In addition, the Village Board shall have authority for the approval of all bill payments.

(e) FISCAL MANAGEMENT.

(1) Accounting. It shall be the duty of the Utility Commission to keep books of account in the manner and form prescribed for utilities of its class by the Public Service Commission of the State of Wisconsin. The books of account shall be open to the public. The Commissions shall prepare a budget for the next year.

(2) Audits. Departmental expenditures shall be audited by such Commission and if approved by the Village Board shall be paid by the Village Clerk-Treasurer of the Village of Pardeeville as provided for by Sections 6 6.042 and 66.068, Wis. Stats. Utility receipts shall be paid to a bonded cashier or cashiers appointed by the Commission, the schedule of payments shall be forwarded to the Village Clerk-Treasurer, and payment made upon utility checks signed by the Clerk-Treasurer, the Village President and the bonded cashier. All disbursements shall be on vouchers submitted by the Utility Commission, approved by the President and Secretary as set forth above.

(3) Income Use. The income of the Electric, Sewer, and Water Utilities shall be applied first to meet operational, maintenance, depreciation, interest and sinking fund requirements, local and school tax equivalents, additions and improvements and other necessary disbursements or indebtedness. Income in excess of these requirements may be used to purchase and hold interest-bearing bonds, issued for the acquisition of the utility, or bonds issued by the United States or any municipal corporation of this State, or may be paid into the general fund.

SEC. 2-4-7

POLICE COMMISSION.

The Board of Police Commissioners shall consist of five (5) citizens who are residents of the Village of Pardeeville, three (3) of whom shall constitute a quorum. The Village President shall annually, between the last Monday of April and the first Monday of May, appoint in writing, to be filed with the secretary of the Commission, one member for a term of five (5) years, subject to confirmation by the Village Board. No appointment shall be made which will result in more than three (3) members of the Commission belonging to the same political party. The Commission shall keep a record of its

proceedings. The Board of Police Commissioners shall have the power and authority prescribed by Section 62.13, Wis. Stats., and this Code of Ordinances.

State Law References: Section 62.13, Wis. Stats.

SEC. 2-4-8                      COMMUNITY DEVELOPMENT AUTHORITY

- (a) COMPOSITION. The Community Development Authority shall consist of seven (7) members: five (5) non-village board members and two (2) Village Board members.
- (b) APPOINTMENT AND TERM. The members who are first appointed shall be designated by the Village President to service the following terms: For the non-village board members - two for one year, one each for terms of two (2) years, three years and four years from the date of their appointment; thereafter the term of the office shall be for four (4) years. A member shall hold his office until a successor has been appointed and qualified. Two Community Development Authority members shall be members of the Village Board and shall serve during their term of office.
- (c) RECORD. The Authority shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members.
- (d) DUTIES.
  - (1) Whereas, there exists within the Village of Pardeeville a need for blight elimination, urban renewal programs, community development projects and housing projects. Therefore, it is desirable to create a Community Development Authority for the purpose of carrying out blight elimination, urban renewal programs, community development projects and housing projects as permitted by Wisconsin Statute, together with all powers necessary or incidental to effect adequate and comprehensive blight elimination and urban renewal programs, community development projects and housing projects.
  - (2) Upon appointment of such an Authority, they are hereby authorized to exercise the powers found in Sec. 66.4325 of the Wisconsin Statutes, and any and all other statutes applicable thereof.

State Law Reference, Section 66.4325, Wis. Stats.

SEC. 2-4-9                      Park and Recreation Board (established 6/13/95)

- (a) Composition. The Park and Recreation Board shall consist of seven (7) members, one (1) member from the Finance Committee of the Village Board, and one (1) from the Public Works and Properties Committee of the Village Board, these to be elected by a majority vote of the respective committees, and five (5) citizen members, of which no more than two may be non-residents of the village, to be appointed by the Village President and confirmed by the Village Board by a majority vote.
- (b) Term of Office. The regular term of all members of the Park and

Recreation Board shall commence May 1st. The members chosen from the Finance and Public Works. Committees shall be elected each year after Committee appointments have been made by the Village President. The five (5) citizen members shall hold office for a term of three (3) years, with no more than two (2) citizen members being appointed for a three-year term in the same manner as appointment for the full term.

- (c) Vacancies. Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (d) Powers. The Park and Recreation Board shall have the powers specified by WI. Statutes 27.13 and 27.08, except as given to other persons or boards, and such further powers and duties as may from time to time be assigned to it by the Village Board. It may make studies and submit recommendations to the Village Board regarding park and recreation programs. It shall be subject to municipal budget and disbursements fiscal control, No expenditure shall be made or obligation incurred except upon authorization of the Village Board in regular session.
- (e) Salaries. The members shall receive no salary.
- (f) Organization. The Chair of the Parks and Recreation Board shall be appointed annually by the Village President at the Village Board meeting in May and said Chair shall hold office for the succeeding year. The Parks and Recreation Board shall meet in May of each year to elect a Secretary of the Board; the secretary shall keep accurate minutes of the Board's proceedings and promptly give a copy to the Village Clerk-Treasurer., The Chair shall conduct meetings according to "Roberts Rules of Order.

State Law Reference: Section 27.13 and 27.08, Wis. Statutes.

SEC. 2-4-10 THRU 2-4-19      RESERVED FOR FUTURE USE

SEC. 2-4-20      GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

- (a) REGULAR MEETINGS; PUBLIC NOTICE. Every Board, Committee and Commission created by or existing under the ordinances of the Village of Pardeeville shall:
  - (1)Fix a regular date, time and place for its meetings.
  - (2)Publish notice in the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof; and/or
  - (3)Post, on the front door of the Village Hall, and two (2) other public places, an agenda of the matters to be taken up at such meeting.
- (b) SPECIAL MEETINGS. Nothing in Subsection (a) shall preclude the calling of a special meeting or with dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 to 19.89, Wis.



Stats.

- (c) MINUTES. The secretary of each Board, Committee and Commission shall file a copy of the meeting minutes of such Board or Commission with the Village Clerk-Treasurer.

## CHAPTER 5

### Finance

- § 2-5-1 Preparation of Tax Roll and Tax Receipts
- § 2-5-2 Duplicate Treasurer's Bond Eliminated
- § 2-5-3 Village Budget
- § 2-5-4 Changes in Budget
- § 2-5-5 Village Funds to be Spent in Accordance with Appropriation
- § 2-5-6 Fiscal Year
- § 2-5-7 Public Depositories
- § 2-5-8 Claims Against Village
- § 2-5-9 Temporary Investment of Funds Not Immediately Needed
- § 2-5-10 Facsimile Signatures
- § 2-5-11 Receiving Money; Receipt for Same; Treatment of Over Payment of Property Taxes
- § 2-5-12 Statement of Real Property Status
- § 2-5-13 Shelter and Permit Fees

#### SEC. 2-5-1 PREPARATION OF TAX ROLL AND TAX RECEIPTS.

(repealed 1-15-08)

Section 2-5-1 is hereby repealed, as tax bills are generated by the County per State Statutes.

#### SEC. 2-5-2 DUPLICATE TREASURER'S BOND ELIMINATED.

- (a) BOND ELIMINATED. The Village of Pardeeville elects not to give the bond on the Village Treasurer provided for by Sec. 70.67(1), Wis. Stats.
- (b) VILLAGE LIABLE FOR DEFAULT OF TREASURER. Pursuant to Sec. 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Treasurer to the County Treasurer.

State Law Reference: Section 70.67, Wis. Stats.

#### SEC. 2-5-3 VILLAGE BUDGET. (Amended 1-15-08)

- (a) DEPARTMENTAL ESTIMATES. When requested by the Village President, Village Board or Clerk-Treasurer, each officer, department and committee shall annually file with the Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Clerk-Treasurer and shall be

designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

- (b) FINANCE AND PERSONNEL COMMITTEE TO PREPARE BUDGET. It shall be the duty of the Finance and Personnel Committee to have estimates prepared of the expenditures that will be incurred by the Village for the ensuing year. By the fifth day prior to the October Village Board meeting each year, the Finance and Personnel Committee shall have prepared a proposed budget presenting a financial plan for conducting the affairs of the Village for the ensuing year.

- (c) FORM OF PROPOSED BUDGET.

- (1) The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
- (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
- (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
- (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
- (5) Such other information as may be required by the Board and by state law.

- (d) COPIES OF BUDGET. The Village shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

- (e) REPORT AND HEARING.

- (1) The Finance and Personnel Committee shall make a report to the Village Board at the October Village Board meeting, which shall include the estimated cost of improvements as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. The Finance and Personnel Committee shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein.
- (2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for circulation in the Village at least ten (10) days prior to the time of such public hearing.
- (3) Not less than ten (10) days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the Village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from

time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Village Board as other ordinances.

SEC. 2-5-4                    CHANGES IN BUDGET.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except upon the recommendation of the Village President and upon a 2/3 vote of the entire membership of the Village Board. Notice of such transfer shall be given by publication within eight days thereafter in the official Village newspaper.

SEC. 2-5-5                    VILLAGE FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 2-5-4 of this Chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

SEC. 2-5-6                    FISCAL YEAR.

The calendar year shall be the fiscal year.  
State Law Reference: Section 61.5 1(3), Wis. Stats.

SEC. 2-5-7                    PUBLIC DEPOSITORIES.

The Village Board shall designate the public depository or depositories within this state within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, the Clerk-Treasurer, and bondsman shall not be liable for such losses as are defined by state law. The interest arising there from shall be paid into the Village treasury. A copy of the resolution designating public depositories shall be filed with the State Commissioner of Banking. Pursuant to state law, designated public depositories shall be required to pledge U.S. Treasury notes equal in amount to any uninsured balance of the Village's deposit.

State Law Reference: Section 62.12(7), Wis. Stats.

- (a) CLAIMS TO BE CERTIFIED. Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk-Treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
  - (1) That funds are available therefore pursuant to the budget.
  - (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
  - (3) That the claim is accurate in amount and a proper charge against the treasury.
- (b) FINANCE COMMITTEE TO AUDIT ACCOUNTS.
  - (1) No account or demand against the Village, except as provided in Subsection (c) of this Section, shall be paid until it has been passed upon by the Finance Committee and an order drawn on the Village Clerk-Treasurer therefore. Every such account shall be itemized and certified as provided in Subsection (a).
  - (2) After auditing, the Finance and Personnel Committee shall cause to be endorsed by the Clerk-Treasurer, on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. If the Village Board shall approve the same it shall direct the Clerk-Treasurer to issue a Village order for the amount of the claim approved. All money paid out of the Village treasury shall be paid upon an order signed by the Village President and countersigned by the Clerk-Treasurer, except that payments of regular wages or salaries shall be as provided in Subsection (c) below. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.
- (c) PAYMENT OF REGULAR WAGES OR SALARIES. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk-Treasurer in time for payment on the regular pay day.
- (d) METHOD OF INCURRING CLAIMS. All actions of the Village Board appropriating money or creating a charge against the Village, other than claims for purchases or work previously authorized by the Board, shall only be acted upon at the next regular meeting after introduction, provided that this rule may be suspended by affirmative vote of three-fourths (3/4) of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.

State Law Reference: Section 61.51, Wis. Stats.

SEC. 2-5-9

TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.

The Village Clerk-Treasurer may invest any Village funds not immediately needed, pursuant to Sections 66.04(2) and 219.05, Wis. Stats.

State Law Reference: Sections 66.04(2) and 2 19.05, Wis. Stats.

SEC. 2-5-10

FACSIMILE SIGNATURES.

In lieu of the personal signatures of the Village Clerk-Treasurer and Village President, there may be affixed on order checks the facsimile signatures of such persons adopted by them and approved by the Village President, but the use of the facsimile signature shall not relieve such official from any liability to which he is otherwise subject, including the unauthorized use thereof.

SEC. 2-5-11

RECEIVING MONEY; RECEIPT FOR SAME.

- (a) The Clerk-Treasurer or her deputies shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which he or she may then be serving, without giving a receipt therefore in the manner specified by the Village Board.
- (b) Upon the payment of any money (except for taxes as herein provided), the Clerk-Treasurer shall make out a receipt in duplicate for the money so received. The Clerk-Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Village or to the Village or to the Clerk-Treasurer shall be safeguarded in such manner as the Village Board shall direct.
- (c) TREATMENT OF OVER PAYMENT OF PROPERTY TAXES.  
Unless otherwise authorized by law, the Village of Pardeeville may retain over payments of property taxes when the over payment is \$5.00 or less, unless such a refund is specifically requested in writing.

State Law Reference: Section 66.113, Wis. Stats.

SEC. 2-5-12

STATEMENT OF REAL PROPERTY STATUS. Amended 01-21-03

The Village Clerk-Treasurer is authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water, electric, and sewer bills, current water, electric and sewer bills, contemplated improvements, flood plain status, violations of the building and health codes and similar information. Any such information sought shall be provided to the person requesting it on said form. The

Village Clerk/Treasurer shall collect a fee as set forth in Section 1-1-8

SEC. 2-5-13      SHELTER AND PERMIT FEES. Amended 01-21-03

Fees for the use of Park Shelters and permits for various uses and construction shall be set forth in Section 1-1-8.

## CHAPTER 6

### Special Assessments

- § 2-6-1 Village Board May Levy Special Assessments
- § 2-6-2 Resolution and Report Required
- § 2-6-3 Costs That May Be Paid By Special Assessment
- § 2-6-4 Exemptions; Deductions
- § 2-6-5 Notice of Proposed or Approved Project
- § 2-6-6 Board Actions After Hearing
- § 2-6-7 Combined Assessments
- § 2-6-8 Board's Power to Amend, Cancel or Confirm Special Assessment
- § 2-6-9 Where Cost of Improvement is Less Than Assessment
- § 2-6-10 Appealed Assessments Payable When Due
- § 2-6-11 Special Assessment a Lien on Property
- § 2-6-12 Special Charges Permissible
- § 2-6-13 Miscellaneous Provisions

#### SEC. 2-6-1 VILLAGE BOARD MAY LEVY SPECIAL ASSESSMENTS.

- (a) The Village of Pardeeville by resolution of its Village Board may levy and collect special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any municipal work or improvement and may provide for the payment of all or any part of the cost of the work or improvement.
- (b) The amount assessed against any property for any work or improvement which does not represent an exercise of the police power shall not exceed the value of the benefits accruing to the property there from, and for those representing an exercise of the police power, the assessment shall be upon a reasonable basis as determined by the Village Board.

State Law Reference: Section 66.62, Wis. Stats.

#### SEC. 2-6-2 RESOLUTION AND REPORT REQUIRED.

- (a) Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under Section 2-6-5 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.



- (b) The report required by Subsection (a) shall consist of:
  - (1) Preliminary or final plans and specifications.
  - (2) An estimate of the entire cost of the proposed work or improvement.
  - (3) An estimate, as to each parcel of property affected, of:
    - a. The assessment of benefits to be levied.
    - b. The damages to be awarded for property taken or damaged.
    - c. The net amount of such benefits over damages or the net amount of such damages over benefits.
  - (4) A statement that the property against which the assessments are proposed is benefited, where the work or improvements constitute an exercise of the police power. In such case the estimates required under subsection (3) shall be replaced by a schedule of the proposed assessments.
  - (5) A copy of the report when completed shall be filed with the Village Clerk-Treasurer for public inspection.
- (c) When the Village Board determines by resolution that the hearing on the assessments be held subsequent to the completion of the work or improvement or the rendering of the service, the report required by Sec. 66.60(3), Wis. Stats. and Subsections (a) and (b) above, shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of the cost.

SEC. 2-6-3

COSTS THAT MAY BE PAID BY SPECIAL ASSESSMENT.

The cost of any work or improvement to be paid in whole or in part by special assessment on property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Village and the cost of any architectural, engineering and legal services, and any other item of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement shall be apportioned among the individual parcels in the manner designated by the Village Board.

SEC. 2-6-4

EXEMPTIONS; DEDUCTIONS.

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefore, such assessment shall be computed and shall be paid by the Village.
- (b) A parcel of land against which has been levied a special assessment for the sanitary sewer or water main laid in one of the streets upon which it abuts, shall be entitled to such deduction or exemption as the Village Board determines to be reasonable and just under the circumstances of each case, when a special assessment is levied for the sanitary sewer or water main laid in the other street upon which such corner lot abuts. Under any circumstance the assessment will not be less than the long way of such lot. The Village Board may allow a similar

deduction or exemption from special assessments levied for any other public improvement.

SEC. 2-6-5            NOTICE OF PROPOSED OR APPROVED PROJECT.

On the completion and filing of the report required in Section 2-6-2(5) of this Chapter, the Village Clerk-Treasurer shall give notice stating the nature of the proposed or approved work or improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all interested persons, their agents or attorneys may appear before the Village Board or committee thereof and be heard concerning the matters contained in the preliminary resolution and report. Such notice shall be given either by publication in the official Village newspaper or posted in not less than three (3) public places within the Village and a copy of said notice shall be mailed to each interested person whose post office address is known. The hearing shall commence not less than ten (10) days and not more than forty (40) days after the publication or posting of said notice.

SEC. 2-6-6            BOARD ACTIONS AFTER HEARING.

- (a) After the hearing, the Village Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Village Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c)
  - (1) If the work or improvement has not been previously authorized or approved, the Village Board shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
  - (2) If the work or improvement has been approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The Village Clerk-Treasurer shall publish the final resolutions as required in Section 2-6-5 of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized, shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.60(12), Wisconsin Statutes, or any other applicable provision of law.

SEC. 2-6-7            COMBINED ASSESSMENTS.

If more than a single improvement is undertaken, the Village Board may combine the assessments as a single assessment on each property affected except that the property owner may object to any one or more of said improvements.

SEC. 2-6-8            BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any reason, or if the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in Section 2-6-5 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Clerk-Treasurer as provided in Section 2-6-6 of this chapter.

SEC. 2-6-9            WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT.

If the cost of the work or improvement is less than the assessment levied, the Village Board without notice or hearing shall reduce each assessment proportionately. If the assessment has been paid either in part or in full the Village shall refund the property owner such overpayment.

SEC. 2-6-10           APPEALED ASSESSMENTS PAYABLE WHEN DUE.

Pursuant to subsection (12)(F) of Section 66.60, Wisconsin Statutes, it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

SEC. 2-6-11           SPECIAL ASSESSMENT A LIEN ON PROPERTY.

Pursuant to subsection (13) of Section 66.60, Wisconsin Statutes, any special assessment levied under this chapter shall be a lien on the property against which it is levied on behalf of the Village. The Village Board shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Board shall provide that all assessments not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection of such delinquent taxes shall apply to such assessment, except as otherwise provided by statute.

SEC. 2-6-12           SPECIAL CHARGES PERMISSIBLE.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Village Board except that in the case of street, sidewalk, curb or gutter repair, twenty (20) days notice published in the Village newspaper, or by posting such notice in three (3) places in the Village and a copy of such notice mailed to every interested person whose post office address is known, at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Village Board as to whether the service in question shall be performed.
- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in Section 2-6-11 of this Chapter.
- (c) Section 2-6-2(a) of this Chapter shall not be applicable to proceedings under this section.

SEC. 2-6-13      MISCELLANEOUS PROVISIONS.

- (a) If any assessment or charge levied under this chapter is invalid because such statutes are found to be unconstitutional, the Village Board may thereafter reassess such assessment or charge pursuant to the provisions of any applicable law.
- (b) The Village Board may, without notice or hearing, levy and assess all or any part of the cost of any work or improvement upon the property benefitted if notice and hearing is waived in writing by property owners affected.
- (c) Notwithstanding any other provision of law, or this or other ordinance or resolution, it is specifically intended and provided by this ordinance that the Village may levy special assessments for work or improvement against the property benefitted either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## CHAPTER 7

### Ethical Standards

- § 2-7-1 Ethical Standards of Public Officials
- § 2-7-2 Responsibilities of Public Office
- § 2-7-3 Dedicated Service
- § 2-7-4 Use of Public Property; Obligations of Citizens
- § 2-7-5 Conflict of Interest
- § 2-7-6 Specific Conflicts of Interest
- § 2-7-7 Outside Employment (Repealed 11/19/13)
- § 2-7-8 Advisory Opinion
- § 2-7-9 Sanctions

#### SEC. 2-7-1 ETHICAL STANDARDS OF PUBLIC OFFICIALS

- (a) The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people. The purpose of this chapter is to establish ethical standards of conduct for all such officials and to direct disclosure by such officials of private financial or other interests in matters affecting the Village.
- (b) The municipal officials and employees of the Village, whether elected or appointed, are "public officials and employees" within the meaning and intent of this chapter.

#### SEC. 2-7-2 RESPONSIBILITIES OF PUBLIC OFFICE.

- (a) Public officials and employees are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs shall be above reproach.
- (b) Public officials are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the law of the nation, state and municipality.

#### SEC. 2-7-3 DEDICATED SERVICE.

Public officials and employees shall not exceed their authority or breach law or ask others to do so, and they shall work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

#### SEC. 2-7-4 USE OF PUBLIC PROPERTY; OBLIGATIONS OF CITIZENS.

- (a) USE OF PUBLIC PROPERTY. No public official or employee shall

request, use or permit the use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.

- (b) OBLIGATION OF CITIZEN. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

SEC. 2-7-5                    CONFLICT OF INTEREST.

- (a) No Trustee or other public official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public judgment or will tend to impair his independence or judgment or action in the performance of his official duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association.
- (b) The provisions of this Section shall not apply to the designation of public depositories for public funds, nor to the publication of legal notices required to be published by the Village, or by any Village officer, at a rate not higher than that prescribed by law; nor to contracting for the sale of printed matter or any other commodity not exceeding One Hundred (\$100.00) Dollars in any one (1) year.

SEC. 2-7-6                    SPECIFIC CONFLICTS OF INTEREST.

Specific conflicts of interest are enumerated below for the guidance of officials. The following list is illustrative merely and not exclusive:

- (a) INCOMPATIBLE EMPLOYMENT. No Trustee or other public official or employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or tends to impair his independence of judgment or action in the performance of his official duties. In the event a Trustee, official or employee possesses a financial or personal interest in any business or transaction, any presumption of conflict of interest with his public duties shall be removed by his disclosure of the nature and extent of such investment to the Village Board for the records of that authority.
- (b) DISCLOSURE OF CONFIDENTIAL INFORMATION. No Trustee, other public official or employee, shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Village, nor shall he use such information to advance the financial or other private interest of himself or others.
- (c) GIFTS AND FAVORS. No Trustee or other public official or

employee shall accept any gift having a value greater than five dollars, whether in the form of service, loan, thing or promise, from any person who to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Village; nor shall any such official or employee accept any gift, favor or thing of value that may tend to influence him in the discharge of his duties, or grant in the discharge of his duties any improper favor, service or thing of value. Any Trustee or other public official or employee who accepts any gift, favor or thing of value shall, in the case of a Trustee, disclose the matter in the minutes of the next Board meeting, and in the case of other officials or employees, report the matter to the Board for disclosure in the minutes of the next meeting.

- (d) REPRESENTING PRIVATE INTERESTS BEFORE VILLAGE AGENCIES OR COURTS. No Trustee or other public official or employee whose salary is paid in whole or in part by the Village shall appear in behalf of private interests before any agency of the Village. He shall not represent private interests in any action or proceeding against the interest of the Village in any litigation to which the Village is a party.
- (e) CONTRACTS WITH THE VILLAGE. Any Trustee or other public official or employee who has substantial financial interest in any business entity, entering into or proposing to enter into, any transaction or contract with the Village for the sale of real estate, material supplies or services to the Village shall disclose such interest to the Village Board to be reported in the minutes of the appropriate Board meeting. And in the case of a Trustee, he shall refrain from voting upon or otherwise participating (except in the performance of a ministerial act) in the transaction or the making of such contract or sale.
- (f) DISCLOSURE OF INTEREST IN LEGISLATION.
  - (1) A Trustee who has a financial or other private interest in any legislation shall disclose on the records of the Board the nature and extent of such interest. This provision shall not apply if the Trustee disqualified himself from voting.
  - (2) Any other public official or employee who has a financial or other private interest, and who participates in discussion with or gives an official opinion to the Board shall disclose on the record of the Board the nature and extent of such interest.

~~SEC. 2-7-7~~ ~~OUTSIDE EMPLOYMENT.~~ (Repealed 11/19/13)

SEC. 2-7-8 ADVISORY OPINION.

Any questions as to the interpretation of any provisions of the Code of Ethics Chapter shall be referred to the Village Attorney for an Advisory Opinion and such opinion shall be given to the Village Attorney for its action, if any.

SEC. 2-7-9

SANCTIONS.

Violation of any provision of this section should raise conscientious questions for the Trustees or any other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Village. Violation may constitute a cause for suspension, removal from office or employment, or other disciplinary action.



## CHAPTER 8

### Review of Administrative Determinations

- § 2-8-1 Review of Administrative Determinations
- § 2-8-2 Determinations Reviewable
- § 2-8-3 Determinations Not Subject to Review
- § 2-8-4 Municipal Authority Defined
- § 2-8-5 Persons Aggrieved
- § 2-8-6 Reducing Determination to Writing
- § 2-8-7 Request for Review of Determination
- § 2-8-8 Review of Determination
- § 2-8-9 Administrative Appeal
- § 2-8-10 Hearing on Administrative Appeal
- § 2-8-11 Final Determination
- § 2-8-12 Judicial Review
- § 2-8-13 Legislative Review

#### SEC. 2-8-1 REVIEW OF ADMINISTRATIVE DETERMINATIONS.

- (a) Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village or agent acting on its behalf may have such determination reviewed as provided in this Chapter. The remedies under this Chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

State Law Reference: Section 68.01, Wis. Stats.

#### SEC. 2-8-2 DETERMINATIONS REVIEWABLE.

The following determinations are reviewable under this Chapter:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (b) The suspension, revocation or non-renewal of an existing permit, license right, privilege or authority, except as provided in Section 2-8-3(d).
- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (e) The suspension or removal of a Village officer or employee except as provided in Section 2-8-3(b) and (g).

State Law Reference: Section 68.02, Wis. Stats.

#### SEC. 2-8-3 DETERMINATIONS NOT SUBJECT TO REVIEW.

The following determinations are not reviewable under this Chapter:

- (a) A legislative enactment. A legislative enactment is an ordinance, resolution or adopted motion of the Village Board.
- (b) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.
- (c) The denial of a tort or contract claim for money required to be filed with the Village under sec. 62.25, Wis. Stats.
- (d) The grant, denial, suspension or revocation of a fermented malt beverage license under Chapter 125, Wis. Stats.
- (e) Judgments and orders of a court.
- (f) Determinations made during municipal labor negotiations.
- (g) Determinations subject to grievance, arbitration or other procedures provided in collective bargaining agreements.

State Law Reference: Section 68.03, Wis. Stats.

SEC. 2-8-4                    MUNICIPAL AUTHORITY DEFINED.

"Municipal authority" includes the Village Board, commission, committee, agency, officer, employee or agent of the Village making a determination under Section 2-8-1, and every person, committee or agency of the Village to make an independent review under Section 2-8-8(b).

State Law Reference: Section 68.05, Wis. Stats.

SEC. 2-8-5                    PERSONS AGGRIEVED.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village, whose rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the Village who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer or employee of the Village, but may respond or intervene in a review proceeding under this Chapter initiated by another.

State Law Reference: Sections 68.01 and 68.06, Wis. Stats.

SEC. 2-8-6                    REDUCING DETERMINATION TO WRITING.

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten (10) days of notice of such determination, reduce the determination and the reasons

therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within thirty (30) days, and the office or person to whom a request for review shall be addressed.

State Law Reference: Section 68.07, Wis. Stats.

SEC. 2-8-7                    REQUEST FOR REVIEW OF DETERMINATION

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the municipal authority which made such determination within thirty (30) days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

State Law Reference: Section 68.08, Wis. Stats.

SEC. 2-8-8                    REVIEW OF DETERMINATION.

- (a) INITIAL DETERMINATION. If a request for review is made under Section 2-8-7, the determination to be reviewed shall be termed an initial determination.
- (b) WHO SHALL MAKE REVIEW. A review under this Section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.
- (c) WHEN TO MAKE REVIEW. The municipal authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.
- (d) RIGHT TO PRESENT EVIDENCE AND ARGUMENT. The person aggrieved may file with his request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) DECISION ON REVIEW. The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within thirty (30) days, and the office or person with whom notice of

appeal shall be filed.

State Law Reference: Section 68.09, Wis. Stats.

SEC. 2-8-9                    ADMINISTRATIVE APPEAL.

- (a) FROM INITIAL DETERMINATION OR DECISION ON REVIEW.
  - (1) If the person aggrieved had a hearing substantially in compliance with Section 2-8-10 when the initial determination was made, he may elect to follow Sections 2-8-6 through 2-8-8, but is not entitled to a further hearing under Section 2-8-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 2-8-12.
  - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 2-8-10 when the initial determination was made, he shall follow Sections 2-8-6 through 2-8-8 and may appeal under this Section from the decision made under Section 2-8-8.
- (b) TIME WITHIN WHICH APPEAL MAY BE TAKEN UNDER THIS SECTION. Appeal from a decision on review under Section 2-8-8 may be taken within thirty (30) days of notice of such decision.
- (c) HOW APPEAL MAY BE TAKEN. An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

State Law Reference: Section 68.10, Wis. Stats.

SEC. 2-8-10                    HEARING ON ADMINISTRATIVE APPEAL.

- (a) TIME OF HEARING. The Village shall provide the appellant a hearing on an appeal under Section 2-8-9 within fifteen (15) days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.
- (b) CONDUCT OF HEARING. At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the Village or the Village Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker.

- (c) RECORD OF HEARING. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.
- (d) HEARING ON INITIAL DETERMINATION. Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Section 68.11, Wis. Stats.

SEC. 2-8-11            FINAL DETERMINATION.

- (a) Within twenty (20) days of completion of the hearing conducted under Section 2-8-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Section 2-8-10 or a decision on review under Section 2-8-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 2-8-12.

State Law Reference: Section 68.12, Wis. Stats.

SEC. 2-8-12            JUDICIAL REVIEW.

- (a) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within thirty (30) days of receipt of the final determination.
- (b) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

State Law Reference: Section 68.13, Wis. Stats.

SEC. 2-8-13            LEGISLATIVE REVIEW.

- (a) Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Village Board or

any of its boards, commissions, committees or agencies which may have jurisdiction.

- (b) If in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Village Board, board, commission, committee or agency shall be made part of the record on review under Section 2-8-12.
- (c) The Village Board, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Section 2-8-10.

State Law Reference: Section 68.14, Wis. Stats.

## CHAPTER 9

### Public Records

- § 2-9-1 Definitions
- § 2-9-2 Duty to Maintain Records
- § 2-9-3 Legal Custodian(s)
- § 2-9-4 Public Access to Records
- § 2-9-5 Access Procedures
- § 2-9-6 Limitations on Right to Access
- § 2-9-7 Destruction of Records
- § 2-9-8 Preservation through Microfilm

#### SEC. 2-9-1      DEFINITIONS.

- (a) "Authority" means any of the following Village entities having custody of a Village record: an office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; or a formally constituted subunit of the foregoing.
- (b) "Custodian" means that officer, department head, division head, or employee of the Village designated under Section 2-9-3 or otherwise responsible by law to keep and preserve any Village records or file, deposit or keep such records in his or her office, or is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
- (c) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.
- (d) "Village" shall mean the Village of Pardeeville and its administrative subunits.

#### SEC. 2-9-2      DUTY TO MAINTAIN RECORDS.

- (a) Except as provided under Section 2-9-7, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

SEC. 2-9-3

LEGAL CUSTODIAN(S)

- (a) Each elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian.
- (b) Unless provided in Subsection (c), the Clerk-Treasurer or the Clerk-Treasurer's designee shall act as legal custodian for the Village Board and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the Village Board. The following offices or authorities shall have as a legal custodian of records the individual so named:

<u>Authority</u>	<u>Designated Legal Custodian</u>
General Records (including Board Records and financial records).	Clerk-Treasurer
Building Inspector's Office.	Building Inspector
Fire Department.	Fire Chief
Police Department.	Chief of Police
Village Attorney's Office.	Village Attorney

- (c) For every authority not specified in subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Clerk-Treasurer.
- (e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under



Subch. 11 of Ch. 19, Wis. Stats., and this chapter. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

SEC. 2-9-4

PUBLIC ACCESS TO RECORDS.

- (a) Except as provided in Section 2-9-6 any person has a right to inspect a record and to make or receive a copy of any record as provided in Sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. No original public records of the Village shall be removed from the possession of the legal custodian.
- (f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  - (1) The cost of photocopying shall be as set forth in Section 1-1-8, excluding accident reports. Said cost has been calculated not to exceed the actual, necessary and direct cost of reproduction.
  - (2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- or video-tapes, shall be charged.
  - (4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (5) There shall be no charge for locating a record unless the actual cost therefore exceeds fifty (\$50.00) Dollars, in which case the actual cost shall be determined by the legal custodian and billed to the requester. The Village will determine the cost of locating a record by using the hourly rate of thirty (\$30.00) Dollars per hour for employees involved in attempting to locate the record. (amended 10-16-07)
  - (6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds Five (\$5.00) Dollars.
  - (7) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

- (8) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.
- (g) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. Each authority shall also prominently display at its offices, for the guidance of the public, a copy of Section 2-9-4 through 2-9-6 of this Chapter. This subsection does not apply to members of the Village Board.

SEC. 2-9-5

ACCESS PROCEDURES.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 2-9-4(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefore. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 2-9-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to

review upon petition for a writ of mandamus under Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

SEC. 2-9-6

LIMITATIONS ON RIGHT TO ACCESS.

- (a) As provided by Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.
  - (1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;
  - (2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;
  - (3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and
  - (4) Pursuant to Sec. 905.08, Wis. Stats., a record or any portion of a record containing information qualifying as a common law trade secret. "Trade secrets" are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for making, preparing, compounding, treating or processing articles, materials or information which are obtained from a person and which are generally recognized as confidential.
- (b) As provided by Sec. 43.30, Wis. Stats., public library circulation records are exempt from inspection under this section.
- (c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Village Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the request record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:
  - (1) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
  - (2) Pursuant to Sec. 19.85(1)(a), Wis. Stats., records of current deliberations after a quasi-judicial hearing.
  - (3) Pursuant to Sec. 19.85(1)(b) and (c), Wis. Stats., records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance, or discipline of any Village officer or employee, or the investigation of charges against a Village officer or employee, unless such officer or employee consents to such disclosure.
  - (4) Pursuant to Sec. 19.85(1)(d), Wis. Stats., records concerning current strategy for crime detection or prevention.

- (5) Pursuant to Sec. 19.85(1)(e), Wis. Stats., records of current deliberations or negotiations on the purchase of Village property, investing of Village funds, or other Village business whenever competitive or bargaining reasons require non-disclosure.
- (6) Pursuant to Sec. 19.85(1)(f), Wis. Stats., financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
- (7) Pursuant to Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
- (8) Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If in the judgment of the custodian and the Village Attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing non-disclosure of the exempt material, the entire record shall be withheld from disclosure.

SEC. 2-9-7

DESTRUCTION OF RECORDS.

- (a) Village officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period.
  - (1) Bank statements, deposit books, slips and stubs;
  - (2) Bonds and coupons after maturity;
  - (3) Cancelled checks, duplicates and check stubs;
  - (4) License and permit applications, stubs and duplicates;
  - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund;
  - (6) Receipt forms;

- (7) Special assessment records;
- (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed after two years.
  - (1) Contracts and papers relating thereto;
  - (2) Excavation permits;
  - (3) Inspection records.
- (c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period.
  - (1) Contracts and papers relating thereto;
  - (2) Correspondence and communications;
  - (3) Financial reports other than annual financial reports;
  - (4) Justice dockets;
  - (5) Oaths of office;
  - (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings;
  - (7) Election notices and proofs of publication;
  - (8) Canceled voter registration cards;
  - (9) Official bonds;
  - (10) Police records other than investigative records;
  - (11) Resolutions and petitions.
- (d) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be give the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.
- (e) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

SEC. 2-9-8

PRESERVATION THROUGH MICROFILM.

Any Village Officer or the director of any department or division of Village government may, subject to the approval of the Village Board, keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic

reproduction set forth in Sec. 16.6 l(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Section 2-9-4 through 2-9-6 of this Chapter.

## **TITLE 3**

### **Public Safety**

- Chapter 1 Law Enforcement
- Chapter 2 Fire Prevention
- Chapter 3 Fire District; Fire Prevention Code
- Chapter 4 Lost, Abandoned and Surplus Property

## **CHAPTER 1**

### **Law Enforcement**

- § 3-1-1 Records and Reports
- § 3-1-2 Civilians to Assist
- § 3-1-3 Duties and Responsibilities

#### SEC. 3-1-1 RECORDS AND REPORTS.

- (a) MONTHLY REPORTS: The Chief of Police shall submit a written monthly report to the Village Board, of all activities and transactions of the department during the preceding month.
- (b) POLICE RECORDS: There shall be kept by the department, a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted and all complaints in full.

#### SEC. 3-1-2 CIVILIANS TO ASSIST.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title I of this Code of Ordinances.

#### SEC. 3-1-3 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities for police protection for the Village of Pardeeville shall be undertaken by the Columbia County Sheriff's Department pursuant to a Contract separately entered into between the Village of Pardeeville and Columbia County. All statutory duties required of Village Police officers, Marshals and/or Constables, shall be performed by the appropriate Deputies of the Columbia County Sheriff's Department pursuant to Contract

## CHAPTER 2

### Fire Prevention

- § 3-2-1 Fire Department Officially Recognized
- § 3-2-2 Organization and Membership
- § 3-2-3 Impeding Fire Equipment Prohibited
- § 3-2-4 Police Power of the Department; Investigation of Fires
- § 3-2-5 Damaging Fire Hose Prohibited
- § 3-2-6 Firemen May Enter Adjacent Property
- § 3-2-7 Duty of Bystanders to Assist
- § 3-2-8 Vehicles to Yield Right-of-Way
- § 3-2-9 Interference with Use of Hydrants Prohibited
- § 3-2-10 Equipment of Department
- § 3-2-11 Open Burning
- § 3-2-12 Outside Burning Heating Systems

#### SEC. 3-2-1 FIRE DEPARTMENT OFFICIALLY RECOGNIZED.

- (a) RECOGNITION. The Pardeeville Fire Department is hereby officially recognized and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization, insofar as they do not conflict with the provisions of this Chapter.
- (b) BYLAWS. The Pardeeville Fire Department is hereby authorized and directed to adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws, after adoption by a two-thirds (2/3) vote of the members of the Department shall not become effective and operative until presented to and approved by the Fire Protection District. Amendments shall be adopted in the same manner.
- (c) BUDGET. The Fire Protection District shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) COMPENSATION. The officers and members of the Fire Department shall receive such compensation from the Fire Protection District as may from time to time be fixed by the Fire Protection District.
- (e) BUDGET. Not later than October 1st of each year, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

#### SEC. 3-2-2 ORGANIZATION AND MEMBERSHIP.

- (a) COMPOSITION. The Fire Department shall consist of the following officers: one chief, a first and second assistant chief, a captain



and lieutenant for each company and a secretary-treasurer, together with one master mechanic and as many drivers and firemen who live and normally work within the Village of Pardeeville as may be appointed by the chief and approved by the Fire Protection District; provided, that at no time shall the department consist of less than twenty-two (22) active members.

(b) APPOINTMENTS AND VACANCIES.

- (1) A vacancy in the office of the Chief shall be filled by appointment by a majority vote of the Fire Protection District. Upon creation of a vacancy of the office of chief the ranking officer shall perform the duties of the Chief until such vacancy has been filled.
- (2) The Chief shall immediately assume office and shall hold office until removed for cause after a hearing by action of three-fourths (3/4) of the members of the Fire Protection District, unless his services be sooner terminated by resignation, change of residency to outside a three (3) mile radius of the fire station or death.
- (3) No member of the Department shall be eligible for the office of Chief or Assistant Chief whose entire time, both day and night, is not ordinarily spent within the Village limits, and, except for initial appointments under this Chapter, who has not been a member of the Department for at least two (2) years.

(c) MEMBERSHIP.

- (1) Any person desiring to be a member of the Fire Department may file with the secretary an application in such form as the Department may require. Each applicant may also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant approved by the Chief as provided in the bylaws shall be presented to the Fire Department for confirmation.
- (2) Active membership in the Department for members other than the Chief shall cease at the age of fifty-five (55) unless the Fire Protection District shall by a majority vote approve of the person continuing as an active member. Upon reaching the age of fifty-five (55), active members shall become honorary members and relieved from fire-fighting duties.
- (3) All resignations from the Department shall take the same course as applications for and appointments to membership.
- (4) Any member or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the members of the officers of the Department and state why such penalty should not be confirmed. The officers may by a three-fourths (3/4) vote of the officers order the Chief to reinstate the member or officer. The secretary-treasurer shall report the name of each person expelled or demoted to the Fire Protection District.

(d) ORGANIZATION.

- (1) The Department shall organize into one or, at the option of the Chief, into two (2) or more companies. The Chief may at any time make transfers which he deems necessary between

companies.

- (2) Each of the companies of the Department shall be in charge of a captain, or in his absence, a lieutenant who shall be responsible to the Chief.
- (e) SOCIAL OFFICERS. The election of the secretary-treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy the Chief shall appoint a member in good standing to fill the office until the next annual election.

SEC. 3-2-3                    IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of the Pardeeville Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

SEC. 3-2-4                    POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

- (a) POLICE AUTHORITY AT FIRES.
  - (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.
  - (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
  - (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.
- (b) FIRE INSPECTION DUTIES.
  - (1) While acting as fire inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Pardeeville at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary.
  - (2) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private

dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by such Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

- (3) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations.
- (4) (a) The code hereby adopted shall be enforced by the Chief or the Inspector authorized by the Fire Department. The Chief or the Inspector is hereby authorized to issue citations with respect to ordinance violations for ordinances hereby directly related to the Chief's/Inspector's official responsibilities in the implementation of the fire prevention code. The Chief/Inspector is hereby further authorized to delegate this issuance of citation authority to such fire department personnel who assist the Chief or Inspector in the enforcement of the fire prevention code.  
(b) The provisions of the Pardeeville Code of Ordinances relative to uniform citation are hereby incorporated as to the form of the citation and the information to be contained therein.  
(c) Any bond amounts for violation of the fire prevention code shall be set by the Circuit Court of Columbia County, Wisconsin.

State Law Reference: Section 101.14(2), Wis. Stats.

SEC. 3-2-5                    DAMAGING FIRE HOSE PROHIBITED.

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

SEC. 3-2-6                    FIREMEN MAY ENTER ADJACENT PROPERTY.

It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other

property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

SEC. 3-2-7            DUTY OF BYSTANDERS TO ASSIST.

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

SEC. 3-2-8            VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm, or the Fire Department shall be out for practice, every person driving or riding in a motor or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

SEC. 3-2-9            INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be attached.

SEC. 3-2-10          EQUIPMENT OF DEPARTMENT.

- (a) The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- (b) No apparatus shall be used for any purpose except for fire fighting within the Village limits, or in training therefore, except pursuant to an agreement approved by the Fire Protection District after the Chief has given his recommendations on such use. With the approval of the Chief such apparatus may be used for emergency purposes other than fire fighting within the Fire Protection District.

SEC. 3-2-11          OPEN BURNING.        (Amended 04-15-03)

- (a) OPEN BURNING & USE OF BURNING BARRELS PROHIBITED. No person, firm or corporation shall burn in an outdoor incinerator/burning barrel or build any outdoor fire within the corporate limits of the Village of Pardeeville excepting as set forth in Subsection (b) of this Section.
- (b) EXCEPTIONS.

- (1) Recreational fires and outdoor cooking apparatus as defined below.
    - a. No recreational fire shall be closer than ten (10) feet from a property line.
    - b. No recreational fire shall be in an area larger than three (3) feet by three (3) feet.
    - c. All recreational fires shall be supervised at all times by at least one (1) person who is age sixteen (16) years or older.
    - d. Combustible material used in recreational fires shall not include rubbish, garbage, furniture, treated wood, hazardous material, flammable or combustible liquids. Only dry untreated and unpainted clean wood may be used for a recreational fire.
    - e. The requirements described in subsection (b)(1)(a-d) for recreational fires shall not apply to any outdoor cooking apparatus.
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval as granted under Subsection (b)(4).
  - (3) Controlled burning of dry leaves and other non-offensive dry yard debris during the periods of April 1 through May 31, and October 1 through November 30 of each year; provided however, that such burning is:
    - a. Monitored by a responsible person until the fire has extinguished itself completely;
    - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
    - c. Located off the public street pavement or street gutter;
    - d. Located at least thirty (30) feet from any neighboring residence;
    - e. Not used for covert incineration of offensive substances or materials;
  - (4) Single occasion special Permits for other occasions of outdoor burning, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted by the Fire Chief or his designee and one of the following: the Village President, Public Works Director or Chairman of the Public Protection Committee under Subsection (a) and (b) of this Section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.
- c) CHIEF MAY PROHIBIT: The Fire Chief or his designee is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (d) BURNING ON STREETS: No materials may be burned upon any street, curb, gutter or sidewalk.
- (e) LIABILITY: Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.
- (f) DEFINITIONS:

- (1) Recreational fires and outdoor cooking apparatus
  - a. "Recreational fire" means any fire such as a campfire or cooking fire, fire pit or portable manufactured fire container for the purpose of recreational and personal enjoyment.
  - b. "Outdoor cooking apparatus" means a charcoal grill, gas grill, smoker, camping stove or similar apparatus designed exclusively for the cooking of food.

SEC. 3-2-12            OUTSIDE BURNING HEATING SYSTEMS (adopted 08-16-05)

- (a) No person shall install, use or maintain an outside burning heating system in the Village of Pardeeville. (amended 5-15-07)
- (b) As to outside burning heating systems in existence prior to the effective date of this Ordinance, the following regulations shall apply:
  - (1) An outside burning heating system shall have a chimney that extends at least 20 feet above the ground surface. If there are any residences within 100 feet of the outside burning heating system, this chimney shall also extend at least as high as 3' above the height of the highest roof of all such residences.
  - (2) All outside burning heating systems installed within Village limits are required to meet emissions standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future. All outside burning heating systems not in compliance with this Ordinance shall be declared as a public nuisance as described in Section 9-6 of the Village Code of Ordinances.
  - (3) Any existing non-complying stack shall be removed, replaced or modified within a period of 60 days from receipt of a notice generated from the Director of Public Works.
  - (4) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- c) DEFINITION. An outside burning heating system is described as a structure located outside a residence or business which burns combustible fuel for the purpose of creating heat for any primary or accessory structure. Any outdoor heating system that is manufactured for such use and that is installed within a building or structure shall be bound and affected by this Ordinance.
- (d) The outside solid fuel heating device shall not be used to burn any of the materials as follows:
  - (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
  - (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as follows:
  - (a) Paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
  - (b) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

## CHAPTER 3

### Fire District; Fire Prevention Code

- § 3-3-1 Fire District Regulations
- § 3-3-2 Adoption of State Codes

#### SEC. 3-3-1 FIRE DISTRICT REGULATIONS.

- (a) FIRE DISTRICT. The fire limits of the Village of Pardeeville Fire District are hereby established on a map adopted by the Village Board and on file with the Clerk-Treasurer.
- (b) DEFINITIONS. The terms "fire-resistive construction," "mill construction," "ordinary construction," "frame construction" and "fire retardant roof coverings" shall have the meaning as defined in the Chapter IND 51, Wisconsin Administrative Code.
- (c) REGULATIONS WITHIN FIRE DISTRICTS.
  - (1) REQUIREMENTS. Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this ordinance. Enclosing walls, division walls and party walls shall be of 4-hour, fire-resistive walls of a construction as provided in Section IND 5 1.04, Wisconsin Administrative Code, which is hereby by reference made a part of this ordinance with respect to all buildings and structures within the fire district.
  - (2) EXCEPTIONS. No building of frame construction shall be constructed within or moved within or into the fire district except the following:
    - a. Buildings occupied as a private garage, not more than one story in height nor more than 750 square feet in area, located on the same lot with a dwelling; provided that any such building shall be placed at least three (3) feet from the lot lines of adjoining property. Buildings occupied as a public garage shall be placed at least three (3) feet from the lot lines of adjoining property.
    - b. Buildings of frame construction, except when used for a high hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than ten (10) feet on all sides. Walls having a horizontal separation of less than ten (10) feet shall have a fire-resistance rating of not less than four (4) hours.
    - c. Greenhouses not more than fifteen (15) feet in height.
    - d. Sheds open on the long side, not more than fifteen (15) feet in height nor more than five hundred (500)



- square feet in area, located at least five (5) feet from buildings and from adjoining lot lines.
- e. Builders' shanties for use only in connection with a duly authorized building construction.
  - (d) BULK OIL TANKS PROHIBITED. The storage of Class I and Class II flammable liquids, as defined in Section Ind 8.01, Wisconsin Administrative Code, in above-ground tanks outside of buildings is prohibited within the fire district.
  - (e) RAZING OLD OR DAMAGED BUILDINGS. Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-half (1/2) of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of the Wisconsin Statutes
  - (f) FIRE-RETARDANT ROOFING.
    - (1) Every roof hereafter constructed within the fire district, including buildings listed in Subsection (c), shall be covered with a roofing having a bona fide fire-resistive rating equivalent to Class "B" or better, as tested according to the American Society for Testing and Materials (ASTM) Standard E108 (Standard Methods of Fire Tests of Roof Coverings), of the Underwriter's Laboratories or other accepted testing laboratories, whose standards are hereby adopted by reference and incorporated in this Section as if fully set forth herein.
    - (2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of this Chapter.
  - (g) GARBAGE CONTAINERS. All businesses within the fire district which are in the business of selling food shall obtain covered heavy duty steel containers for their garbage, and henceforth place all their garbage within said container.
  - (h) ENFORCEMENT. The Building Inspector and Fire Inspector are hereby authorized and it shall be his duty to enforce the provisions of this Chapter.

SEC. 3-3-2            ADOPTION OF STATE CODES.

The following Orders, Rules, and Regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (a) Wis. Adm. Code Ch. IND 1; Safety.
- (b) Wis. Adm. Code Ch. IND 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. IND 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. IND 8; Flammable and Combustible Liquids.

(e)Wis. Adm. Code Ch. IND 9; Liquified and Petroleum Gases.

(f)Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.

(g)Wis. Adm. Code Ch. IND 21; Spray Coating.

(h)Wis. Adm. Code Ch. IND 35; Safety in Construction.

(i)Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.

(j)Wis. Adm. Code Ch. IND 50; Administration and Enforcement.

(k)Wis. Adm. Code Ch. IND 51; Definitions and Standards.

(l)Wis. Adm. Code Ch. IND 52; General Requirements.

(in) Wis. Adm. Code Ch. IND 53; Structural Requirements.

(n)Wis. Adm. Code Ch. IND 54; Factories, Office and Mercantile Buildings.

(o)Wis. Adm. Code Ch. IND 55; Theatres and Assembly Halls.

(p)Wis. Adm. Code Ch. IND 56; Schools and Other Places of Instruction.

(q)Wis. Adm. Code Ch. IND 57; Apartment Buildings, Hotels, and Places of Detention.

(r)Wis. Adm. Code Ch. IND 58; Health Care, Detention and Correctional Facilities.

(s)Wis. Adm. Code Ch. IND 59; Hazardous Occupancies.

(t)Wis. Adm. Code Ch. IND 60; Child Day Care Facilities.

(u)Wis. Adm. Code Ch. IND 61; CBRF

(v)Wis. Adm. Code Ch. IND 62; Specialty Occupancies

(w)Wis. Adm. Code Ch. IND 64; Heating, Ventilating, and Air Conditioning.

(x)Wis. Adm. Code Ch. IND 65; Fire Prevention

(y)Wisconsin Electrical Code



## CHAPTER 4

### Lost, Abandoned and Surplus Property

§ 3-4-1 Disposal of Surplus Village Property

§ 3-4-1 Lost and Abandoned Property

#### SEC. 3-4-1

#### DISPOSAL OF SURPLUS VILLAGE PROPERTY.

##### (a) DEFINITIONS.

- (1) "Surplus Village Property" is that property which is owned by the Village of Pardeeville, Wisconsin, and which has no further usefulness to the Village of Pardeeville. An item of property shall be considered to have no further usefulness when:
  - a. The item or its function has been totally replaced by other Village property and no probable future function exists for it; or
  - b. The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
  - c. The item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include property which is obtained by the Village as a result of abandonment or loss by the property's original owner. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

##### (b) DETERMINATION OF SURPLUS VILLAGE PROPERTY.

- (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
- (2) Whenever the fair market value of the item is more than Five Thousand (\$5,000.00) Dollars, the Village Board shall determine whether or not the item is surplus Village property.

##### (c) DISPOSITION OF SURPLUS VILLAGE PROPERTY.

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.

- (2) Whenever the fair market value of an item is more than Five Hundred (\$500.00) Dollars and the Village Board has determined, pursuant to the previous subsection, that the item is surplus Village property, the department head responsible for the items shall dispose of the property by:
  - a. Donation to a nonprofit organization within the Village or to a governmental agency; or
  - b. Public auction; or
  - c. Sale by sealed bid.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in as is condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the Village and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board.
- (4) No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Village newspaper.
- (5) Whenever the fair market value of an item is Five Hundred (\$500.00) Dollars or less and the Village Board has determined, pursuant to the previous section, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.
- (d) DETERMINATION OF FAIR MARKET VALUES. Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final
- (e) AUTHORITY TO DISPOSE OF PROPERTY.
  - (1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
  - (2) Whenever this Section provides for an auction or other disposition of any property, the Village Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.

(a) VILLAGE CUSTODY OF LOST OR ABANDONED PROPERTY.

- (1) Property which appears to be lost or abandoned, discovered by officers or turned in to the Police Department by citizens shall be disposed of according to this Section.
- (2) Lost and abandoned property will be examined by the Police Department for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Police Department to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be turned over to the Police Department's property custodian.
- (3) No police officer shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (4) The Police Department shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (5) No member of the Police Department or any other Village employee shall receive any lost, stolen, abandoned or other unclaimed property from the Police Department, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain at the Police Department.

(b) DISPOSAL PROCEDURES.

- (1) Classes of Property. All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the Village shall be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction, but may become the property of the Village.
  - a. Vehicles: Vehicles shall be disposed of as set forth in the applicable provisions of Title 8, Chapter 4 of this Code of Ordinances.
  - b. Intoxicating Liquor and Fermented Malt Beverages: Intoxicating Liquor and Fermented Malt Beverages shall be destroyed or sold by sealed bids only to persons holding respectively Class B Liquor or Class B Fermented Malt Beverage Licenses.
  - c. Firearms, Ammunition and Explosives: Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms Bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to

have been stolen.

- d. Other Property with a Fair Market Value of One Hundred (\$100.00) Dollars or Less: An item of property with a fair market value of One Hundred (\$100.00) Dollars or less shall be destroyed or sold at public auction. Perishable property which deteriorates, to a fair market value of less than One Hundred (\$100.00) Dollars, shall be destroyed.
- e. Other Property with a Fair Market Value of Over One Hundred (\$100.00) Dollars: An item of property with a fair market value more than One Hundred (\$100.00) Dollars shall be sold at public auction or by sealed bid.
- f. Illegal Property. Property which cannot be legally possessed shall be destroyed.

(2) Disposal by Auction or Sealed Bid.

- a. Whenever any property under this Section is sold by public auction or sale by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission, such notice shall be published in the official Village newspaper. The property auctioned or sold by sealed bid shall be sold in as is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the Village and the amount of the bid be forfeited to the Village.
- b. Any Village official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.

(3) Lost Property. Property which is found by persons and delivered to the Village Police Department for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this ordinance until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any Village employee finding property in the regular course of his employment.

(4) Payment to Village Treasury. All sums received from the sale of property under this Section shall be paid to the Village Treasury.

State Law Reference: Section 66.28, Wis. Stats.



## **TITLE 4**

### **Public Works**

- Chapter 1 Grades; Official Map
- Chapter 2 Streets and Sidewalks
- Chapter 3 Driveways
- Chapter 4 Trees and Shrubs
- Chapter 5 Regulation of Parks and Navigable Waters

## **CHAPTER 1**

### **Grades**

- § 4-1-1 Establishment of Grades
- § 4-1-2 Alteration of Grade Prohibited

#### SEC. 4-1-1 ESTABLISHMENT OF GRADES.

- (a) GRADES TO BE ESTABLISHED. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance the sidewalks shall be laid to the established grade of the street.
- (b) NEW SIDEWALK GRADE. Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Director of Public Works shall upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established. The cost of furnishing such grade shall be borne by the Village.

#### SEC. 4-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Pardeeville by any means whatsoever unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer or the officer authorizing the alteration.

## CHAPTER 2

### Streets and Sidewalks

- § 4-2-1 Removal of Rubbish and Dirt From Sidewalks
- § 4-2-2 Construction and Repair of Sidewalks and Curbs and Gutters
- § 4-2-3 Excavations of Streets, Alleys, Public Ways and Grounds
- § 4-2-4 Regulations Governing Excavations and Openings
- § 4-2-5 Obstructions and Encroachments
- § 4-2-6 Street Privilege Permit
- § 4-2-7 Snow and Ice Removal
- § 4-2-8 Terrace Areas
- § 4-2-9 Vaults
- § 4-2-10 Down spouts and Eaves of Buildings Not to Drain on Sidewalks
- § 4-2-11 Sale or Display of Merchandise Prohibited
- § 4-2-12 Requests for Improvements

#### SEC. 4-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof to the Village Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

#### SEC. 4-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS AND

- (a) OWNER TO CONSTRUCT. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Pardeeville and to pay the entire cost of construction thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid or a section rebuilt along or upon any public street, alley or highway within the Village, it shall proceed according to Section 66.6 15 of the Wisconsin Statutes. Sidewalks shall be located in such places as designated by the Village Board. No person shall remove any sidewalk without the permission of the Village Board.
- (b) PERMIT REQUIRED. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless he is under contract with the Village to do such work or has obtained a permit therefore from the Director of Public Works at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.

(c) SPECIFICATIONS. All sidewalks within the Village hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:

(1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Director of Public Works and approved by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

(2) Material. All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

(3) a. Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.

b. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be one foot strip of street property left between the property line and the edge of the sidewalk.

(4) Width and Thickness. Residential walks shall be four (4) feet in width and not less than four inches thick except within driveway approaches where the minimum thickness shall be six inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this Section. Sidewalks in front of commercial or industrial

establishments shall be not less than eight (8) feet in width and five inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.

- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before the final finishing, the surface shall be checked with a ten (10) foot straight edge and any areas departing more than one-eighth (1/8) inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
  - (6) Jointing. Transverse, full depth, one-half (1/2) inch thick expansion joints of premolded expansion material shall be located every forty feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least three-eighths (3/8) inch in thickness and five-sixteenths (5/16) inch in depth, shall be placed at intervals of approximately four (4) feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.
  - (7) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather (below 50 degrees F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any seventy-two (72) hour period or upon frozen subgrade.
- (d) SIDEWALK REPAIR OR REPLACEMENT. Pursuant to Sec. 66.6 15, Wis. Stats., the Village Board may order property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of twenty (20) days after service of the notice provided in Sec. 66.6 15(3)(c), Wis. Stats., the Village Board shall repair or construct such sidewalk and the Village Clerk-Treasurer shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land.
  - (e) UNSAFE SIDEWALKS. The Village Board may at any time, by

(f) CONSTRUCTION AND REPAIR OF CONCRETE CURB AND GUTTER. The provisions of Section 66.60, Wis. Stats., shall be followed in the case of the construction and repair of concrete curb and gutter provided that the property deemed benefited by said construction and repair shall pay one hundred (100%) percent of the costs thereof.

SEC. 4-2-3                  EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND  
GROUNDS. Amended 01-21-03 & 04-18-06

- (a) PERMIT REQUIRED. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village owned easement within the Village of Pardeeville without a permit therefore from the Director of Public Works or Clerk-Treasurer.
- (b) FEES. The fee for a street opening permit shall be in the amount set forth in Section 1-1-8. The fee shall be paid to the Clerk-Treasurer or Director of Public Works, who shall issue a receipt therefore.
- (c) INSURANCE REQUIRED. A permit shall be issued only upon condition that the applicant submit to the Director of Public Works or Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$1,000,000 per person, \$1,000,000 for one accident and property damage coverage of not less than \$300,000.
- (d) BOND.
  - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Village of Pardeeville and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of two (2) years, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs

of making such repair and of maintaining the same for one year.

(2) The person who does such restoration shall be responsible therefore for two (2) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in the amount of Ten Thousand (\$10,000.00) Dollars.

(3) Whenever the Village Board shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.

(4) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

#### SEC. 4-2-4

#### REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

- (a) FROZEN GROUND. No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Director of Public Works.
- (b) REMOVAL OF PAVING. In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

- (c) PROTECTION OF PUBLIC.

(1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.

(2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- (d) REPLACING STREET SURFACE. In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the opening for any street or sidewalk repaired by the Village, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- (e) NOTICE. It shall be the duty of the permittee to notify the Director of Public Works or Village Clerk-Treasurer and all public and private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Director of Public Works shall also be notified at least four (4) hours prior to backfilling and or restoring the surface.
- (f) VALIDITY OF PERMIT. Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Director of Public Works may extend the time limitation for good cause.
- (g) BACKFILLING. It shall be the duty of the permittee to backfill the opening immediately upon completion of the work and to place at least twelve (12) inches of traffic bind or similar base material and 2" of cold patch mix in the opening unless otherwise advised by the Director of Public Works. It shall be the duty of the permittee to maintain the opening in good condition for a period of six (6) months after the completion of work or until the surface has been restored. The Director of Public Works shall decide when within said six (6) months period the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of ten (10) days or such longer period as determined by the Director of Public Works, the Village may restore the surface and bill the permittee therefore.
- (h) TUNNELING UNDER CURB AND GUTTERS PROHIBITED. It shall be the duty of permittee to cut curb and gutter and remove in order to put infrastructure under curb and gutter area. It shall also be the duty of the permittee to replace curb and gutter on compacted soil with a 12" compacted base.
- (i) EMERGENCY EXCAVATION. In the event of an emergency any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public

street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person firm or corporation shall apply for an excavation permit not later than the next business day.

- (j) EXCAVATION IN NEW STREETS LIMITED. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless in the opinion of the Village Board an emergency exists which makes it absolutely essential that the permit be issued.
- (k) APPLICATION FOR PERMIT. The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Director of Public Works shall determine if sufficient information is submitted.
- (l) EXCEPTION. The provisions of this Section shall not apply to excavation work done under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the Village except that the safety precautions under Subsection (c) hereof shall be complied with.

SEC. 4-2-5                      OBSTRUCTIONS AND ENCROACHMENTS.

- (a) OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds, or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b).
- (b) EXCEPTIONS. The prohibition of subsection (a) shall not apply to the following:
  - (1) Signs or clocks attached to buildings which project no more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street, or alley.
  - (2) Awnings now built and extending over any sidewalk at a height of less than seven feet six inches (7' 6") above the



sidewalk, street or alley.

(3) Public utility encroachments duly authorized by State Law or by the Village Board.

(4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three (3) hours.

(5) Temporary encroachments or obstructions authorized by permit under Section 4-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.

(6) Building materials for the period authorized by the Village Board which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street, and which do not interfere with flow in the gutters.

(7) Excavations and openings permitted under Sections 4-2-3 and 4-2-4 of this Code.

SEC. 4-2-6

STREET PRIVILEGE PERMIT. Amended 01-21-03

- (a) WHEN REQUIRED. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by this Code of Ordinances.
- (b) BOND. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Director of Public Works, not exceeding Ten Thousand (\$10,000.00) Dollars, conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (c) FEE. The fee for a street privilege permit shall be in the amount set forth in Section 1-1-8.
- (d) CONDITIONS OF OCCUPANCY. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:
  - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

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

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

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

(6) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.

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

(e) TERMINATION. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.

(f) REMOVAL BY VILLAGE. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State Law Reference: Section 66.045, Wis. Stats.

SEC. 4-2-7                      SNOW AND ICE REMOVAL. Amended 01-21-03

(a) OWNER'S RESPONSIBILITY. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Pardeeville fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be of snow or ice to the width of such sidewalk within twenty-four (24) hours after the snow has ceased to fall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand.

(b) VILLAGE'S OPTION TO CLEAR SIDEWALKS. In any case where the owner, occupant or person in charge of any building or structure or unoccupied lot shall fail to clear their respective sidewalks of snow and ice as set forth above, then and in that event, the

Village may elect to clear said sidewalks as follows:

- (1) Written notice shall be personally served, delivered or mailed by Certified Mail informing said person of his or her failure to clear said sidewalk, the Village's intention to clear the same, and the potential costs thereof, no less than twelve (12) hours prior to the Village's clearing said sidewalk.
  - (2) The Village shall clear or cause to be cleared all snow and ice from the subject's sidewalk, and shall charge the expenses of so doing at a rate set forth in Section 1-1-8. The charges shall be set forth in a statement to the Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the statement shall be reported to the Clerk- Treasurer, who shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.6 15(3)(f), Wisconsin Statutes.
- (c) DEPOSIT OF SNOW ON STREETS OR SIDEWALKS. No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village, provided, however, that the removal of snow from a sidewalk in front of or abutting his premises, as is required by Subsection (a), may be deposited on the alley or street. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
- (d) PENALTY. As an alternative to the remedy provided in subsection (b) above, or in addition thereto the Village may impose a penalty for violation of any provision of this Section, providing that the person who violates any of the provisions of this Section shall forfeit and pay to the Village a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day (24 hours) or part thereof during which a violation occurs or continues.

State Law Reference: Sections 66.60(16) and 66.6 15(3)(f) and (5), Wis. Stats.

SEC. 4-2-8

TERRACE AREAS.

- (a) DEFINITION. The definition of "terrace" shall be as defined in Section 4-4-2(f).
- (b) NOXIOUS WEEDS; PAVING. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.

- (c) RESPONSIBILITY TO MAINTAIN. Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.
- (d) STREET RIGHTS OF WAY. Any tree, shrub, hedge, fence or other obstruction planted or constructed within the right-of-way of any Village street shall be done at the property owner's risk and shall be in accordance with the provisions of Title 4, Chapter 4 of this Code of Ordinances. In the event any street is widened or sidewalk constructed, any such planting or obstruction shall be removed at the property owner's expense.

Cross Reference: Title 4, Chapter 4.

SEC. 4-2-9                      VAULTS.

All vaults under sidewalks in the Village shall be constructed of brick, concrete block, or poured concrete. The surface opening into the street shall be within three (3) feet of the outer edge of the sidewalk, or the curb. The slab over such vault shall be able to withstand a load of two hundred fifty (250) pounds per square foot of slab area. The owner of any lot or parcel of land adjoining such vault shall maintain such vault and slab over in a safe condition and at his own expense.

SEC. 4-2-10                      DOWN SPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON  
SIDE WALKS.

No down spouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over, any public sidewalk in the Village. When the eaves of any building extend over or are so constructed that water may fall there from or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain there from or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

SEC. 4-2-11                      SALE OR DISPLAY OF MERCHANDISE PROHIBITED.

No person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

SEC. 4-2-12                      REQUESTS FOR IMPROVEMENTS.

Requests or petitions by Village property owners for new streets, curb and gutter, and sidewalks shall be presented to the Village Board on or before November 1 to be considered for installation in the following year.

## CHAPTER 3

### Driveways

§ 4-3-1	Driveways
§ 4-3-2	Permittee Liable for Damage or Injury
§ 4-3-3	Bonding
§ 4-3-4	Penalties

#### SEC. 4-3-1      DRIVEWAYS. Amended 12-16-08

- (a) PERMIT REQUIRED. Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefore, no person shall construct, repair or reconstruct any driveway across or through Village right-of-way without having first obtained a permit from the Director of Public Works for which a fee in the amount set forth in Section 1-1-8. Such permit shall be issued upon an application form provided by the Village and shall contain such information as the Village Board shall deem necessary.
- (b) INSTALLATION REQUIREMENTS.
- (1) Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
- (2) No driveway shall be closer than ten (10) feet to extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes, vehicular sales, service, washing and repair stations; garages, or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- (3) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way. When required by the Director of Public Works so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
- (4) Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service,

washing and repair stations; garages, or public lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter, or other place of public assembly.

(5) No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Director of Public Works. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Director of Public Works, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.

(6) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 4-2-2(c) of this code insofar as such requirements are applicable, including thickness requirements in Section 4-2-2©).

- (c) PERMIT APPLICATIONS. Permit applications shall be made at least twenty-four (24) hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Director of Public Works shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.

Cross-Reference: Section 10-1-63.

SEC. 4-3-2            PERMITTEE LIABLE FOR DAMAGE OR INJURY.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new construction shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

SEC. 4-3-3            BONDING.

The Permittee shall provide a bond, letter of credit or certified check for the amount of \$3,000.00 as part of the permit process. Upon completion of the work and approval by the Director of Public Works the Bond shall be returned to the Permittee.

SEC. 4-3-4            PENALTIES

Work performed related to this section without first obtaining a permit shall be subject to a fine of not less than \$50.00 and not more than \$3,000.00 in addition to all-fees and bonds as required herein.

## CHAPTER 4

### Trees and Shrubs

- § 4-4-1 Statement of Policy and Applicability of Chapter
- § 4-4-2 Definitions
- § 4-4-3 Authority of Village Forester to Enter Private Premises
- § 4-4-4 Interference with Village Forester Prohibited
- § 4-4-5 Abatement of Tree Disease Nuisances
- § 4-4-6 Assessment of Costs of Abatement
- § 4-4-7 Permit for Planting, Maintenance and Removal of Trees and Shrubs
- § 4-4-8 Planting of Trees and Shrubs
- § 4-4-9 Trimming
- § 4-4-10 Trees and Shrubbery Obstructing View at Intersections or View of Traffic Signs
- § 4-4-11 Removal of Trees and Stumps
- § 4-4-12 Prohibited Acts
- § 4-4-13 Appeal from Determinations and Orders
- § 4-4-14 Adoption of State Statutes
- § 4-4-15 Planting of Certain Species Restricted

#### SEC. 4-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

- (a) INTENT AND PURPOSE. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (b) APPLICATION. The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

#### SEC. 4-4-2 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- (a) PERSON. "Person" shall mean person, firm, association or corporation.
- (b) PUBLIC AREAS. "Public Areas" includes all public parks and other



lands owned, controlled or leased by the Village except the terrace areas.

- (c) PUBLIC TREES AND SHRUBS. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.
- (d) PUBLIC NUISANCE. "Public Nuisance" means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property
- (e) BOULEVARD AREAS. "Boulevard Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall also mean "terrace."
- (f) CLEAR-SIGHT TRIANGLE. "Clear-Sight Triangle" means a triangle formed by the curb lines of two intersecting right-of-ways and a third line connecting a full-view zone at corners of streets, alleys and highways.
- (g) MAJOR ALTERATION. Trimming a tree beyond necessary trimming to comply with this Chapter.
- (h) SHRUBS. "Shrub" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (i) TREE. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (j) VILLAGE. "Village" means the Village of Pardeeville, Wisconsin.

SEC. 4-4-3                    AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES.

- (a) The Director of Public Works shall carry out the provisions of this section. He may designate a municipal employee to perform the duties of Forester under Ch. 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Board by this Chapter.
- (b) The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

SEC. 4-4-4                    INTERFERENCE WITH THE VILLAGE FORESTER PROHIBITED.

No person shall interfere with the Village Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

SEC. 4-4-5                    ABATEMENT OF TREE DISEASE NUISANCES.

- (a) DUTCH ELM AND OTHER TREE DISEASES A PUBLIC NUISANCE. Whereas the

Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.

(b) DEFINITIONS. As used in this Section, unless otherwise clearly indicated by the context:

(1) "Public Nuisance" means:

- a. Dutch Elm disease.
- b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.)
- c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
- d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
- e. Any other deleterious or fatal tree disease.

(2) "Public property" means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

(3) "Person" means person, firm or corporation.

(c) INSPECTION.

(1) The Director of Public Works shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.

(2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.

- (3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable time for the purpose of carrying out any of the provisions of this section.

(d) ABATEMENT OF NUISANCES: DUTY OF FORESTER AND PUBLIC WORKS AND PROPERTY COMMITTEE.

- (1) The Forester, with the approval of the Public Works and Property, shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.

(3) a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.

- b. If after hearing held pursuant to this subsection, it shall be determined by the Public Works and Property that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) SPRAYING.

- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark

beetles, he may cause all trees within a one thousand (1,000) foot radius thereto be sprayed with an effective elm bark beetle destroying concentrate or other insecticide.

- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with subsection (b) of this section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d) (3).

#### SEC. 4-4-6

#### ASSESSMENT OF COSTS OF ABATEMENT.

- (a) Fifty (50%) percent of the cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Section 66.60(16) or Section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village.
- (b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
  - (1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

- (2) Upon receiving the Forester's report, the Village Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
- (3) After such hearing, the Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final
- (4) The Clerk-Treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
- (5) The Village hereby declares that in making assessments under this section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

SEC. 4-4-7

PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES  
AND SHRUBS.

- (a) PERMIT REQUIRED. No person, except upon order of the Village Forester, shall plant or remove, or do major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Clerk-Treasurer as herein provided.
- (b) PERMIT EXEMPTIONS. No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- (c) PERMIT REQUIREMENTS AND CONDITIONS. If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Forester issue a permit to the applicant.

- (d) PERMIT FORM; EXPIRATION, INSPECTION. Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.
- (e) PERMITS TO PUBLIC UTILITIES.
  - (1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
  - (2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work done associated with trees and shrubs.

SEC. 4-4-8

PLANTING OF TREES AND SHRUBS.

- (a) PLANTING.
  - (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and boulevards and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work. The permit application process is required in Section 4-4-7.
  - (2) There shall be a minimum distance of sixteen (16) feet and a recommended distance of twenty-five (25) to fifty (50) feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
  - (3) Pine or fir trees shall not be planted in a terrace area.
  - (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
- (b) UNLAWFULLY PLANTED TREES. Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the

owner.

- (c) FRAMES. Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

SEC. 4-4-9                      TRIMMING.

- (a) Trees and shrubs standing in or upon any boulevard, public areas, or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- (b) The necessity of the pruning may be determined by the Village Forester.
- (c) Clearance from sidewalk to lower branches shall not be less than ten (10) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.

SEC. 4-4-10                      TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION  
OR VIEW OF TRAFFIC SIGNS.

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village, any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within

the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

SEC. 4-4-11            REMOVAL OF TREES AND STUMPS.

- (a) DANGEROUS, OBSTRUCTIVE AND INFECTED TREES. Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester subject to Section 4-4-15 shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk-Treasurer, who shall thereupon enter such cost as a special charge against the property.
- (b) In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line; normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

SEC. 4-4-12            PROHIBITED ACTS.

- (a) DAMAGE TO PUBLIC TREES. No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:
  - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.



- (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
  - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
  - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
  - (6) Cause or encourage any fire or burning near or around any tree.
- (b) EXCAVATIONS. All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Village Forester.
- (c) INTERFERENCE WITH FORESTER.
- (1) Interferes with or prevents any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this Section.
  - (2) Refuses to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this Section.
- (d) REFUSAL TO ABATE NUISANCE. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

SEC. 4-4-13            APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order under this Chapter from the Village Forester or Public Works and Streets Committee and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded and file its written decision with the Clerk-Treasurer.

SEC. 4-4-14

ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

SEC. 4-4-15

PLANTING OF CERTAIN SPECIES RESTRICTED.

- (a) COTTONWOOD AND BOX ELDER TREES PROHIBITED. No person shall plant within the Village any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder or *Acer Negundo*, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. If any owner planting any such tree shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
- (b) PLANTING OF CERTAIN TREES RESTRICTED. No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village unless he shall first secure written permission from the Village Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this subsection.

## CHAPTER 5

### Regulation of Parks and Navigable Waters

- § 4-5-1 Park Regulations
- § 4-5-2 Radio-Controlled Model Airplanes Prohibited in Parks
- § 4-5-3 Use of Metal Detectors on Public Property
- § 4-5-4 Park Hours
- § 4-5-5 Regulation of Boating
- § 4-5-6 Boat Motors on Spring Lake
- ~~§ 4-5-7 Music in Parks and Other Village Owned Property~~  
Repealed 9-17-13

#### SEC. 4-5-1 PARK REGULATIONS

- (a) PURPOSE AND DEFINITION. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.
- (b) SPECIFIC REGULATIONS.
  - (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
  - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
  - (3) ~~Pets. No person shall permit any cat or other pet owned by him to run at large in any park. Dogs are prohibited from being in all parks.~~ **Repealed on 6/17/14**
  - (4) Bill Posting. No person shall post, paste, fasten paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
  - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
  - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park without the permission of the Village Board.
  - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.
  - (8) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

- (9) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park or any of the facilities of the municipal swimming pool.
- (10) Motorized Vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.
- (11) Snowmobiles. No person shall operate a snowmobile in a Village park except in designated areas.
- (12) Speed Limit. No person shall operate any vehicle in a Village park in excess of 10 m.p.h. unless otherwise posted.
- (13) Glass Beverage Bottles in Parks Prohibited. No person shall possess any glass beverage bottle within the limits of the parks of the Village.
- (14) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (15) Parking in Parks. No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (16) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Parks Committee is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
- (17) Camping. Camping in all Village parks is prohibited.
- (18) Alcohol Restriction Beach Area. No alcoholic beverage may be consumed or in possession of an individual on the public beach area located in Chandler Park. The area in reference shall be deemed from the beginning of the bridge located in the Park to the end of the beach parking lot, approximately 250 feet more or less.
- (19) Grilling in Beach Area Prohibited. There will be no grilling or dumping of coals on or near the public beach area. The area in reference shall be deemed from the beginning of the bridge located in the park to the end of the beach parking lot, approximately 250 feet.
- (20) Golfing Prohibited. Golfing shall not be permitted in village parks. (amended 06-11-96).

SEC. 4-5-2 RADIO-CONTROLLED MODEL ARIPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the Village of Pardeeville except in areas specifically designated and posted for such purpose.

SEC. 4-5-3 USE OF METAL DETECTORS ON PUBLIC PROPERTY.

Absent authorization by the Village Board, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

SEC. 4-5-4 PARK HOURS.

(a) BEACH HOURS. No person or persons shall swim from the beaches or to the beaches, or be upon the beaches located in Chandler Park, Village of Pardeeville, from the hours of 10:00 p.m. to 6:00 a.m. daily.

(b) PARK HOURS. No person or persons shall enter into or pass through the Village park areas known as Chandler Park, Legion Park, Westcott Park and Breezy Point Park in the Village of Pardeeville, between the hours of 10:00 p.m. to 6:00 a.m. daily, except on those occasions when a special permit has been granted by the Village Board, for organized activities such as athletic events, and/or holiday celebrations.

SEC. 4-5-5 REGULATION OF BOATING.

(a) INTENT. The intent of this Section is to provide safe and healthful conditions for the enjoyment of the aquatic recreation consistent with public rights and interest and the capability of the water resources of Park Lake located and adjoining the Village of Pardeeville.

(b) APPLICABILITY AND ENFORCEMENT. The provisions of this Section shall apply to the waters of Park Lake within the jurisdiction of the Village of Pardeeville. The provisions of this Section shall be enforced by the Village Police Department, but such enforcement shall not be limited to them specifically.

(c) STATE BOATING AND WATER 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 said statutes, are hereby adopted and by reference made a part of this Section:

30.50	Definitions
30.51	Operation of unnumbered motorboats prohibited
30.53	Identification number to be displayed on boat; certificate to be carried.
30.60	Classification of motorboats
30.61	Lighting equipment
30.62	Other equipment
30.635	Motorboat prohibition

30.64 Patrol boats exempt from certain traffic regulations  
30.65 Traffic rules  
30.66 Speed restrictions  
30.67 Accidents and accident reporting  
30.675 Distress signal flag  
30.68 Prohibited operation  
30.69 Waterskiing  
30.70 Skindiving  
30.71 Boats equipped with toilets

(d) DEFINITIONS. "Slow No Wake" is defined as the slowest possible speed so as to maintain steerage.

(e) SPEED RESTRICTION. Boating activities shall be limited to slow no wake speed in the narrows and West end of Park Lake. Speed Zone buoy markers meeting the Wisconsin uniform waterway marking system standards will be installed buy the Village at the Eastern end of the narrows. Such buoys will bear the legend, "Slow - No Wake."

(f) PENALTIES. Any Person who shall violate any provision of this Section shall upon conviction thereof, forfeit not less than Twenty-five (\$25.00) Dollars, and the costs of prosecution.

SEC. 4-5-6      BOAT MOTORS ON SPRING LAKE.

No gasoline powered boat motors are allowed on Spring Lake.

~~SEC. 4-5-7~~      ~~MUSIC IN PARKS AND OTHER VILLAGE OWNED PROPERTY.~~

Repealed 9-17-13

## **TITLE 5**

### **Public Utilities**

Chapter	1	Cable Television
Chapter	2	Sewer User Charges
Chapter	3	Sewer Use Regulations
Chapter	4	Miscellaneous Utilities Regulations
Chapter	5	Wellhead Protection

## **CHAPTER 1**

### **Cable Television**

§ 5-1-1	Short Title
§ 5-1-2	Definitions
§ 5-1-3	Grant of Authority
§ 5-1-4	Term of Franchise
§ 5-1-5	Compliance With Laws, Regulations and Ordinances
§ 5-1-6	Company Liability and Indemnification
§ 5-1-7	Company Rules
§ 5-1-8	Conditions on Street Occupancy
§ 5-1-9	Safety Requirements
§ 5-1-10	Service Policies
§ 5-1-11	Operations Standards
§ 5-1-12	Payments to Village
§ 5-1-13	Procedures
§ 5-1-14	Procedure Upon Termination
§ 5-1-15	Assignment
§ 5-1-16	New Developments
§ 5-1-17	Franchise Review
§ 5-1-18	Business Office; Complaints
§ 5-1-19	Miscellaneous Provisions
§ 5-1-20	Violations
§ 5-1-21	Access Channel
§ 5-1-22	Rates
§ 5-1-23	Penalties
§ 5-1-24	Binding Effect

#### SEC. 5-1-1      SHORT TITLE.

This Chapter shall be known and may be cited as the "Cable Television Franchise Ordinance."

#### SEC. 5-1-2      DEFINITIONS.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number:

- (a) VILLAGE. The Village above named, a municipal corporation of the

- State of Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.
- (b) COMPANY. The Corporation to which a franchise under this Chapter is granted by the Village Board and the lawful successors or assignees of said corporation.
  - (c) BOARD. The present governing body of the Village or any future Board constituting the legislative body of the Village.
  - (d) PERSON. Any person, firm, partnership, association, corporation, Company or organization of any kind subscribing to telephone service in the Pardeeville Telephone Exchange area.
  - (e) SUBSCRIBER. Any person or entity receiving for any purpose the services of the Company herein.
  - (f) COMMUNITY ANTENNA TELEVISION SYSTEM, CATV SYSTEM, or CATV. Coaxial cables, wave guides or other conductors and equipment for providing television service by cable or through its facilities as herein contemplated and shall include closed-circuit, special event programs and education television.
  - (g) BASIC CATV SERVICE. The distribution of broadcast, satellite and microwave relayed television and radio signals.
  - (h) EXPANDED CATV SERVICE. Any communications service in addition to Basic CATV Service provided by the Company, either directly or as a carrier for its subsidiaries, affiliates or any other person engaged in communications service, including, but not limited to, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading services and home shopping services.
  - (i) GROSS ANNUAL SUBSCRIBER RECEIPTS. Any and all compensation received directly by the Company from Village subscribers for Basic CATV Service and Expanded CATV Service. Gross annual subscriber receipts shall not include receipts from any taxes on services furnished by the Company imposed directly on any subscriber or user by any village, town, city, state or other governmental unit.
  - (j) PROPERTY OF THE COMPANY. All property owned, installed, or used by the Company in the conduct of a CATV business in the Village.

SEC. 5-1-3                      GRANT OF AUTHORITY.

There is hereby granted by the Village to the Company the non-exclusive right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over and under, the streets, alleys, public ways and public places, now laid out or dedicated and all extensions thereof and additions thereto in the Village, wires, poles, cables, underground conduits, conductors, and fixtures necessary for the maintenance and operation in the Village of Pardeeville a community antenna television system for the purpose of providing Basic CATV Service and such aspects of Expanded CATV Service as the Company may, from time to time, deem advisable. The right herein granted shall extend to any extension of the Village of Pardeeville and the Company shall be bound by the same rules and regulations as to such areas as are otherwise herein or hereinafter provided.



SEC. 5-1-4            TERM OF FRANCHISE.

This Cable Television Franchise Ordinance shall, upon the filing of a written acceptance thereof by the Company with the Village Clerk, become effective and shall continue in force and effect thereafter for a period of fifteen (15) years. Thereafter, the Company shall be given the right of first refusal to continue to operate under this franchise for a like period of time.

SEC. 5-1-5            COMPLIANCE WITH LAWS, REGULATIONS AND ORDINANCES.

The Company shall at all times during the life of this Cable Television Franchise Ordinance, be subject to existing law and to all lawful exercise of the police power by the Village and to such reasonable regulation as the Village shall hereafter by resolution or ordinance provide. The construction, operation, and maintenance of the system by the Company shall be in full compliance with the National Electric Code as from time to time amended and revised, and in full compliance with all other applicable rules and regulations now in effect or hereinafter adopted by the Federal Communications Commission, the Village, the County of Columbia, the State of Wisconsin, and the United States Government.

SEC. 5-1-6            COMPANY LIABILITY AND INDEMNIFICATION.

- (a) LIABILITY COVERAGE. It is expressly understood and agreed by and between the Company and the Village that the Company shall save the Village and its officials harmless from all loss sustained by the Village or them or any of them on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, operation and maintenance of the system by the Company. The Company agrees to maintain and keep in full force and effect at all times during the term of this Franchise Chapter sufficient liability insurance coverage to protect the Village against any such claims, suits, judgments, executions and demands in a sum not less than Three Hundred Thousand (\$300,000.00) Dollars per person in any one claim, and not less than One Hundred Thousand (\$100,000.00) Dollars for property damage as to any one accident or occurrence, or in such larger sums on all coverage as may be required of the Company by any other public utility in the Village. A copy of such insurance coverage shall be filed with the Clerk-Treasurer of the Village, as part of this agreement.
- (b) WORKMEN'S COMPENSATION COVERAGE. The Company shall also maintain in full force and effect throughout the duration of this Cable Television Franchise Chapter sufficient workmen's compensation insurance coverage to adequately and fully protect its agents and employees as required by law.
- (c) RESIDENT COMPANY AND AGENT. All insurance policies and bonds as are required of the Company in this Cable Television Franchise Chapter shall be written by a company or companies authorized

and qualified to do business in the State of Wisconsin and shall be serviced through an insurance agent doing business within Columbia County. Certificates of all coverage required shall be promptly filed by the Company with the Village.

- (d) INSURANCE POLICY. An insurance policy obtained by the Company in compliance with this Section, along with written evidence of payment of required premiums, shall be filed and maintained with the Board during the term of this franchise.

#### SEC. 5-1-7            COMPANY RULES.

The Company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this franchise, and to assure an uninterrupted service to each and all of its subscribers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof, the laws of the State of Wisconsin, or the rules and regulations of the Federal Communications Commission.

#### SEC. 5-1-8            CONDITIONS ON STREET OCCUPANCY.

- (a) USE. All transmission and distribution structures, lines and equipment erected by the Company within the Village shall be so located as to cause minimum interference with the proper use of the streets, roads, alleys and other public ways and places, and to cause minimum interference with the rights of reasonable convenience of property owners who adjoin any of the said streets, roads, alleys or other public ways and places. Any and all disputes, as to use or proposed use shall be referred to the Village Board or Trustees for consideration and/or approval.
- (b) RESTORATION. In case of any disturbance of any street, roadway or other surfacing, the Company shall first give notice to the Village Clerk-Treasurer of any contemplated disturbances or other surfacing and shall thereafter, at its own cost and expense, and in a manner approved by the appropriate Village official replace and restore the street, roadway or other surface disturbed, in as good condition as before said work commenced.
- (c) PLACEMENT OF FIXTURES. The Company shall not place any fixtures where the same will interfere with any gas, electric, telephone, or other fixtures and all fixtures placed in any street or road shall be placed in such manner as not to interfere with the usual travel on said streets, roads and public ways. Any and all disputes as to use or proposed use shall be referred to the Village Board or Trustees for consideration and/or approval

#### SEC. 5-1-9            SAFETY REQUIREMENTS.

The Company shall observe the following safety requirements:

- (a) The Company shall, at all times, employ ordinary care and shall use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- (b) The Company shall maintain all structures, lines and equipment in, over, under and upon the streets wherever located, in a safe condition and in good order and repair.

SEC. 5-1-10            SERVICE POLICIES.

The Company shall make Basic CATV Service available at uniform rates to all persons in the Village. Expanded CATV Service, in the forms the Company may, from time to time, deem advisable, shall also be offered to all persons at uniform rates.

SEC. 5-1-11            OPERATIONS STANDARDS.

The Company shall operate and maintain the CATV System in full compliance with performance standards established by the Federal Communications Commission.

SEC. 5-1-12            PAYMENTS TO VILLAGE.

- (a) FRANCHISE FEE. The Company on or before April 30 of each year, shall pay, as an annual franchise fee to the Village of Pardeeville, a sum equal to three (3%) percent of the Gross Annual Subscriber Receipts from services provided in the Village for the preceding calendar year. No other fee, charge or consideration shall be imposed. The Company, at least once annually, at the request of the Village Board, shall furnish the Village with a full accounting and report showing its revenues derived from services rendered within the Village, and the manner of computation of its annual franchise fee to the Village.
- (b) OCCUPATIONAL LICENSES, TAXES, ETC. The Company shall pay annually in addition to the franchise fee, such ad valorem and personal property taxes, inventory taxes, occupational licenses, fees and service charges as shall be appropriate to that general classification of business as set forth by law.

SEC. 5-1-13            PROCEDURES.

In order that all parties be afforded due process of law:

- (a) Any inquiry, proceeding, investigation or other action taken or proposed to be taken by the Village, adverse to the operation of the Company's CATV System, shall be taken only after:
  - (1) The minimum legally required public notice is published in

- a local newspaper having general circulation in the Village (and in the absence of any such requirement, the notice shall be published at least ten [10] days prior to the date of the proposed action); and
- (2) A written summary of such action or proposed action is served on the Company at least ten (10) days prior to the proposed action; and
  - (3) The Company has been given an opportunity to respond, in writing, and at any hearing held by the Village.
- (b) The public notice required by this Section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Village. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation may be obtained. The Company shall be an indispensable party to any proceedings conducted in regard to its operations.

SEC. 5-1-14            PROCEDURE UPON TERMINATION.

Upon expiration of the initial term of this franchise, if the Company has not been granted an extension or renewal thereof and accepted the same, the Company may enter upon the streets of the Village for the purpose of removing there from its property and otherwise. In removing its property, the Company shall, at its own expense, leave the streets in as nearly as possible as good condition as that prevailing prior to the Company's removal of its property.

SEC. 5-1-15            ASSIGNMENT.

The franchise granted hereunder shall be fully and freely assignable. However, the Company may not sell or transfer its rights under this franchise to another, other than a parent company or a wholly-owned subsidiary of a parent company, except as security for monies borrowed, without Board approval. Such Board approval shall not be unreasonably withheld. No assignment to any person, firm or corporation shall be effective until the assignee has filed in the office of the Village Clerk-Treasurer an instrument, duly executed, reciting the fact of such assignment, accepting the terms of this franchise and agreeing to perform all the conditions thereof. In addition, the assignee may be required to file with the Village Board a statement of financial condition, showing its ability to maintain and operate such system, if it not be a parent company or wholly-owned subsidiary of the parent company.

SEC. 5-1-16            NEW DEVELOPMENTS.

It shall be the policy of the Village liberally to amend this franchise upon application of the Company, to enable the Company to take advantage of any developments in the field of transmission of

television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers.

SEC. 5-1-17            FRANCHISE REVIEW.

The operation of the franchise by the franchise holder shall be subject to review on or about December 1st of each year, during the term that this franchise is held, and at such time during the year as citizens complaint shall be received in seriousness or volume as determined by the Trustees of the Village of Pardeeville. Further extension of this special franchise, shall be subject to the exclusive direction and/or control of such Board of Trustees or such Village.

SEC. 5-1-18            BUSINESS OFFICE; COMPLAINTS.

The following complaint procedure is established:

- (a) The Company shall maintain a business office which subscribers may telephone during regular business hours without incurring added message or toll charges, so that CATV maintenance service be promptly available.
- (b) If a subscriber has an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber may file his complaint with the Village Clerk-Treasurer, who has primary responsibility for the continuing administration of the franchise and the procedure for resolving complaints and thereafter may meet jointly with a representative of the Board and a representative of the Company within thirty (30) days, to fully discuss and resolve such matters.
- (c) The Company shall notify each subscriber, at the time of initial subscription to the service of the Company, of the procedures for reporting and resolving such complaints.

SEC. 5-1-19            MISCELLANEOUS PROVISIONS.

The following general provisions are adopted:

- (a) When not otherwise prescribed herein, all matters herein required to be filed with the Village shall be filed with the Village Clerk-Treasurer.
- (b) The Company shall assume the cost of publication of this Cable Television Franchise Chapter as such publication is required by law. A bill for publication costs shall be presented to the Company by the Village Clerk-Treasurer upon the Company's filing of acceptance and shall be paid at that time.
- (c) The Company shall provide, without charge, one outlet to each government office building, fire station, police station, and public school building at locations passed by its cable.
- (d) In the case of any emergency or disaster, the Company shall, upon request of the Village, make available its facilities to

the Village for reasonable use during the emergency or disaster period.

- (e) This franchise relates to the present territorial limits of the Village of Pardeeville, and to any area henceforth added thereto during the term of this franchise. The Company herein, its employees and servants shall have the right and privilege of soliciting subscribers to the service to be furnished by the Company. This solicitation of the Company's service by its employees and servants shall, at all times, be reasonable and consistent with good business practices, and shall not involve invasion of privacy in any manner.

SEC. 5-1-20      VIOLATIONS.

The Village declares certain acts unlawful and provides as follows:

- (a) From and after the effective date of this Chapter, it shall be unlawful for any person to construct, install or maintain within any street in the Village, or within any other public property of the Village, or within any privately-owned area within the Village which has not yet become a street but is designated or delineated as a proposed street on any tentative subdivision map approved by the Village, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.
- (b) It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this Village for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system. Exception to this restriction, being in the event the Village Board should authorize a competitive CATV system.
- (c) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.
- (d) Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof, for each day of violation, shall be punished by a forfeiture not to exceed One Hundred (\$100.00) Dollars or by imprisonment for a term not to exceed thirty (30) days or by both such fine and imprisonment.

SEC. 5-1-21      ACCESS CHANNEL.

The Company will provide portable videotape equipment to members of the community to produce community interest programs to play back on the cable system. The portable equipment and access channel will

provide media to televise programs of local interest. The Company shall, from time to time, adopt and make available at its business office rules governing the use of such channel, or time on a channel, and shall submit a copy of such rules to the Village.

SEC. 5-1-22            RATES.

- (a) The initial subscriber rates for Basic CATV Service and Expanded CATV Service shall not exceed those set forth in Exhibit A to this franchise, and may be changed as follows: The Company may, from time to time, change its rates so as to ensure a fair and compensatory return on its investment, provided that the Company shall give the Village Clerk-Treasurer written notice of any proposed rate increase at least sixty (60) days prior to its proposed effective date. The Company desiring an increase change, shall submit a petition, specifying the increase desired, and containing accounting information, supporting the requested increase. Not less than thirty (30) days, or more than sixty (60) days following receipt of such written petition of the Company, the Board of Trustees shall set a public hearing, at which time the Company and subscribers in the community shall have the opportunity to present their views on such rate changes. The notice of such Public Hearing shall be given once each week for three (3) consecutive weeks, prior to said hearing by publication in the official Village newspaper. Following the public hearing before the Village Board, the Village Board may modify the changes by resolution, adopted by such Village Board. Review of their action shall be by arbitration in accordance with the Wisconsin Arbitration Act, or such decision shall be binding, and binding upon all parties. The Company agrees to cooperate with the Board in connection with such public proceedings, and upon request shall provide additional data as reasonably may be required by the Village Board of Trustees for determining the fairness of the increase.
- (b) The Company may charge a connection fee for each outlet. From time to time such fee may be increased in order to compensate for the Company's installation costs. In no event shall the Company be required to charge fees at less than the cost of providing such installation.
- (c) The Company may impose a late charge of one and one-half (1-1/2%) percent per month or the maximum rate permitted by law, whichever is less, for each monthly payment not paid within thirty (30) days of the date of required payment.
- (d) Nothing contained herein shall prevent the Company from challenging before any court of appropriate jurisdiction the reasonableness of any action by the Board in fixing rates different from those initially set, or proposed by the Company.

SEC. 5-1-23            PENALTIES.

Any violation by the Company, its vendee, lessee or successor, of the provisions of this franchise shall, after prior written notice

is given to the Company requesting performance, be cause for the forfeiture of this franchise by the Village and cancellation of all rights hereunder.

SEC. 5-1-24            BINDING EFFECT.

This franchise ordinance, except Section 5-1-20 herein, shall not take effect until its acceptance by the Board of Directors of the Company, which acceptance shall be filed, in writing, with the Village within thirty (30) days from the adoption hereof. No Village Ordinance or Resolution shall be enacted during the term hereof which shall alter, amend, repeal, impair, or in any manner affect the purpose, intent and the obligation of this Chapter, it being the express intent hereof that when the terms of this Chapter are accepted by the Company, said Chapter and Acceptance, in writing, shall form a valid and binding contract upon both the Village and the Company.



## **CHAPTER 2**

### **Sewer User Charges**

#### **Article A General Provisions**

- § 5-2-1 Purpose
- § 5-2-2 Authority
- § 5-2-3 Grant Acceptance Compliance
- § 5-2-4 Validity
- § 5-2-5 Definitions
- § 5-2-6 through
- § 5-2-9 Reserved

#### **Article B User Charge System**

- § 5-2-10 Establishment of Revenue System
- § 5-2-11 User Charge Rates
- § 5-2-12 Sewer Service Charge
- § 5-2-13 Additional Charges
- § 5-2-14 Budget and Rate Setting
- § 5-2-15 Parameters
- § 5-2-16 Volume Determination
- § 5-2-17 BOD and Suspended Solids Determination
- § 5-2-13 Infiltration/Inflow
- § 5-2-19 Replacement Fund
- § 5-2-20 User Classes
- § 5-2-21 Record-Keeping System
- § 5-2-22 through
- § 5-2-29 Reserved

#### **Article C Billing**

- § 5-2-30 Billing Procedure and Penalty
- § 5-2-31 through
- § 5-2-39 Reserved

#### **Article D User Charge Rates**

- § 5-2-40 Rate Calculation
- § 5-2-41 Residential, Public and Commercial Classes - Sewer Rates
- § 5-2-42 Industrial Class

## **ARTICLE A**

### **General Provisions**

#### SEC. 5-2-1            PURPOSE.

The purpose of this Chapter is to regulate the sewer use charges to all users of the Village of Pardeeville wastewater facilities, ensuring that all users pay a proportionate share of the costs of sewer service. Further, it is the purpose of this Chapter to ensure that sufficient revenues are collected to pay all Village costs associated with owning, operating and maintaining the wastewater facilities.

#### SEC. 5-2-2            AUTHORITY.

This Chapter is adopted under the authority granted by Sections 62.18, 62.185 and 66.076 of the Wisconsin Statutes.

#### SEC. 5-2-3            GRANT ACCEPTANCE COMPLIANCE.

This Chapter is designed to comply with the requirements of Section 144.24(8)(a)3 of the Wisconsin Statutes and NR 128.11(9) and NR 128.13 of the Wisconsin Administrative Code, which statute and codes pertain to the user charge system in conjunction with the acceptance of a construction grant.

#### SEC. 5-2-4            VALIDITY.

- (a) CONFLICT. All ordinances or parts of ordinances in conflict with this Chapter are hereby repealed.
- (b) SEPARABILITY OF PROVISIONS. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by reasons of any decision of any competent jurisdiction, such decisions shall not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof.

#### SEC. 5-2-5            DEFINITIONS.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
  - (1) Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or pounds.
  - (2) Compatible pollutant means biochemical oxygen demand,

- suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the Village's wastewater treatment works if such works were designed to treat such additional pollutants, and in fact, does remove such pollutants to a substantial degree.
- (3) Composite sample denotes a sampling consisting of portions of a waste taken in proportion to the volume of the flow of said waste.
  - (4) DNR means Wisconsin Department of Natural Resources.
  - (5) Domestic wastes shall mean wastewater discharged from sanitary conveniences which contains none of the prohibited discharges set forth in Article B of this Sewer Use Chapter.
  - (6) Incompatible pollutant means any pollutant which is not a compatible pollutant.
  - (7) Industrial user means any non-governmental, nonresidential user of the public sewer system which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented as of October 1, 1978 under one of the following divisions?

Division A Agriculture, Forestry and Fishing  
Division B Mining  
Division D Manufacturing  
Division E Transportation, Communications, Electric,  
Gas and Sanitary Services  
Division I Services

In determining the amount of a user's discharge, domestic wastes or discharges from sanitary conveniences may be excluded.

After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding twenty-five thousand (25,000) gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in twenty-five thousand (25,000) gpd of sanitary waste, are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The strength of the residential waste discharges is defined as 250 mg/l biological oxygen demand (BOD) and 250 mg/l suspended solids (SS). Therefore, dischargers with BOD discharge exceeding 52.15 lbs/day or SS exceeding 52.15 lbs/day are considered as industrial users even though this volume does not exceed twenty-five thousand (25,000) gpd.

Any non-governmental user of the public sewer system which discharges wastewater which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes to

contaminate the sludge of any municipal system, or injure or interfere with any sewage treatment process, constitutes a hazard to humans or animal, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works; is also considered an "industrial user."

- (8) Major contributing industry means an industrial or commercial facility that is a discharger to the public wastewater facilities and
  - a. has a waste discharge flow of fifty thousand (50,000) gallons or more per average work day;
  - b. has a waste discharge flow greater than five (5%) percent of the flow carried by the public system receiving the waste;
  - c. has in its waste a toxic pollutant in toxic amounts as defined in Wisconsin Administrative Code, Chapter NR 215, or in Article D of this Sewer Use Chapter; or
  - d. has a waste which the Village or the DNR determines has or, in the case of a new source, will have a significant impact either singly or in combination with other wastes on the Village wastewater treatment works or on the quality of effluent from such works.
- (9) Pretreatment means the treatment of waste waters to remove or reduce the quantity of one or more pollutants prior to discharge to the Village wastewater treatment works.
- (10) Public sewer shall mean a common sewer controlled by the municipality.
- (11) Replacement means the expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (12) Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (13) Sewage is the spent water of a community. The preferred term is "waste- water," Subsection (a) ( 18) below.
- (14) Sewer shall mean a pipe or conduit that carries wastewater or drainage water.
- (15) Suspended solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- (16) User charges means the amount charged to a user for newer services and includes debt retirement on treatment plant construction costs, operation and maintenance costs and replacement costs.
- (17) User class means a particular group of users with similar discharges.
- (18) Wastewater shall mean the spent water of the community.

From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and storm water that may be present.

- (19) Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (20) Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "publicly owned treatment works."

SEC. 5-2-6 THRU SEC. 5-2-9      RESERVED.

## ARTICLE B

### User Charge System

#### SEC. 5-2-10      ESTABLISHMENT OF REVENUE SYSTEM.

A user charge shall be assessed to all users by the Village in accordance with the provisions of this Chapter.

#### SEC. 5-2-11      USER CHARGE RATES.

- (a) User charge rates shall be established so that revenues collected cover debt retirement on the wastewater treatment facilities, the cost of operation and maintenance of the wastewater collection and treatment facilities and replacement costs, except that any portion of the debt retirement may be collected by ad valorem taxes.
- (b) The user charge rates established shall be such that all users pay a proportionate share of the cost of service based on actual use. To ensure proportional distribution of costs, user charge rates shall include a volume parameter, a BOD parameter, a suspended solids parameter, and a customer parameter.

#### SEC. 5-2-12      SEWER SERVICE CHARGE.      Amended 03-18-03

- (a) SERVICE CHARGE. In addition to the user charge rates, each user shall be charged a service charge which shall include a customer cost and an infiltration cost.
- (b) SEWER CONNECTION FEE. (1) The fee for connection to the Village of Pardeeville's wastewater collection system shall be set forth in Section 1-1-8:

#### SEC. 5-2-13      ADDITIONAL CHARGES.

Additional charges shall be billed to the user to which they apply:

- (a) Actual costs incurred for monitoring and sampling performed by the Village or agents of the Village for the purpose of verifying wastewater concentrations or establishing quantities for billing purposes;
- (b) Actual costs incurred for user-requested monitoring and sampling;
- (c) Actual costs incurred for monitoring and sampling performed by the Village or agents of the Village for the purpose of determining compliance with the Sewer Use Ordinance;
- (d) Actual costs incurred for monitoring and sampling or other services performed by the Village or agents of the Village relative to any pretreatment facilities;

- (e) Any increased costs of managing the effluent or the sludge at the wastewater treatment facilities due to a user's discharge or toxic or other incompatible pollutants;
- (f) Actual costs incurred for handling a user's check returned for insufficient funds;
- (g) Actual costs incurred for special handling not provided for elsewhere in this Chapter

SEC. 5-2-14            BUDGET AND RATE SETTING.

The Water and Sewer Commission shall annually prepare an estimate of anticipated costs and set the user charge rates and service charges. These estimates and rates shall be submitted to the Village Board for approval.

SEC. 5-2-15            PARAMETERS.

The user charge rates shall be established using a volume parameter, a BOD parameter, a suspended solids parameter and a customer parameter. All costs shall be allocated to these parameters in a logical and reasonable manner. A definition of each parameter is as follows:

- (a) VOLUME - the volume parameter is that portion of the costs related to flow.
- (b) HOD - the BOD parameter is that portion of the costs that are related to the removal of BOD. The HOD parameter will be equated to a volume charge for all users discharging domestic strength waste which is defined as 250 mg/i BOD.
- (c) SUSPENDED SOLIDS -- the suspended solids parameter is that portion of the costs that is related to the removal of suspended solids. The suspended solids parameter will be equated to a volume charge for all users discharging domestic strength waste which is defined as 250 mg/I suspended solids.
- (d) CUSTOMER -- the customer parameter is that portion of the costs that are not dependent on the other parameters, but occur because there are users. These costs will be divided equally among all users.

SEC. 5-2-16            VOLUME DETERMINATION.

- (a) Water meter readings shall be used to determine the volume for computation of the user charges. A second meter shall be installed to measure such water. The user must, at his own expense, make necessary changes in the water piping and install couplings so that a meter can be set. The charge for such meters shall be in accordance with the Public Service Commission of Wisconsin rate charges.
- (b) Where it is not possible to obtain a water meter reading or in cases where no water meter exists, the water use will be estimated based on previous meter readings or other appropriate

means. Any estimated volume shall be indicated as such on the bill. The difference shall be adjusted when a meter reading is available.

SEC. 5-2-17            BOD AND SUSPENDED SOLIDS DETERMINATION.

All residential users and other users discharging domestic-strength waste (250 mg/i HOD, 250 mg/lSS) shall be assumed to discharge domestic-strength waste. The BOD and suspended solids concentration for all other users will be determined by monitoring and sampling or by published estimates for the user type if agreed upon by the user and the Village.

SEC. 5-2-18            INFILTRATION/INFLOW.

The costs for treating infiltration/inflow shall be distributed equally among all users.

SEC. 5-2-19            REPLACEMENT FUND.

A replacement fund shall be established for the purpose of replacement as defined in Section 5-2-5 of this Chapter. This fund shall be a separate and distinct fund and used exclusively for replacement.

SEC. 5-2-20            USER CLASSES.

- (a) USER CLASSES. The Village shall establish user classes and each user shall be placed in the appropriate class. A user class shall be made up of users that have similar discharges and/or are similar in character. User classes shall be, but are not limited to, the following:
  - (1) Residential - all single or multi-family dwelling units whose main purpose is to provide housing for individual family units and whose wastewater flow is less than twenty-five thousand (25,000) gallons per day.
  - (2) Commercial - all private establishments such as restaurants, hotels, retail and wholesale stores, filling stations and industries with a daily wastewater flow of less than twenty-five thousand (25,000) gallons per day; and all private, nonprofit entities such as churches, schools, hospitals and charitable organizations with a daily wastewater flow less than twenty-five thousand (25,000) gallons per day.
  - (3) Industrial - all users that are defined as an industrial user according to Section 5-2-5 of this Chapter.
  - (4) Public - any user that is a governmental unit including such users as public schools and municipal facilities.
- (b) REVENUES. Each user class shall pay a proportionate share of the sewer service costs. Any excess revenues from a user class shall be applied to the costs of operation and maintenance



attributable to that class the next year, and the user charge rate shall be adjusted accordingly.

SEC. 5-2-21            RECORD-KEEPING SYSTEM.

The Village shall maintain an adequate record-keeping system to implement the user charges pursuant to this Chapter and to show compliance with 40 CFR Subpart E.

SEC. 5-2-22 THRU SEC. 5-2-29            RESERVED.

## ARTICLE C

### Billing

#### SEC. 5-2-30 BILLING PROCEDURE AND PENALTY.

- (a) User charges for sewer service shall be billed monthly. The bills shall be mailed following the billing period and shall be paid at such place as designated by the Village. All bills are due and payable by the twentieth (20th) day of the month following the billing period. Any bills not paid by this date shall be considered delinquent and a three (3%) percent charge shall be added to the bill. Any delinquent bill not paid by November 1st shall be placed on the tax roll of the property to which the delinquent bill applies.
- (b) Each user shall be notified annually in conjunction with a regular bill, of the user charge rate and that portion of the user charges attributable to wastewater treatment services.

#### SEC. 5-2-31 THRU SEC. 5-2-39 RESERVED.



## **ARTICLE D**

### User Charge Rates

#### SEC. 5-2-40      RATE CALCULATION.

The user charge rates are to be calculated using the methodology outlined in Attachment A, which is on file with the sewer utility office. This methodology provides user charge rates in accordance with this Chapter.

#### SEC. 5-2-41      RESIDENTIAL, PUBLIC AND COMMERCIAL CLASSES - SEWER RATES.      Amended 03-18-03

The residential, Public and Commercial Class sewer rates shall be set forth in Section 1-1-8 of these ordinances.

## **CHAPTER 3**

### **Sewer Use Regulations**

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- § 5-3-1 Purpose of Chapter
- § 5-3-2 Authority
- § 5-3-3 Definitions
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#### **Article B Use of Public Sewers Required**

- § 5-3-10 Unsanitary Deposits
- § 5-3-11 Discharge to Natural Outlet
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- § 5-3-20 Allowance of Private Disposal System
- § 5-3-21 Permit
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- § 5-3-30 Permits
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- § 5-3-32 Separate Building Sewers
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- § 5-3-34 Construction and Materials
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#### **Article E Use of the Village Sewers**

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Article F Monitoring Sampling and Reporting

§ 5-3-70 Monitoring Facilities  
§ 5-3-71 Powers and Authority for Inspection and Sampling  
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Article H Penalties

§ 5-3-90 Notification of Violation  
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Article I Right of Appeal

§ 5-3-100 Right of Appeal  
§ 5-3-101 Stay of Enforcement

## ARTICLE A

### SEC. 5-3-1            PURPOSE OF CHAPTER.

- (a) The Chapter sets forth uniform requirements for discharges into the Village of Pardeeville wastewater facilities and enables the Village to protect the public health in conformity with all applicable local, state and federal laws relating thereto.
- (b) The purpose of this Chapter is:
  - (1) To ensure proper design and construction of all connections to the Village wastewater facilities;
  - (2) To prevent the introduction of pollutants into the Village wastewater facilities which will interfere with the normal operation of the facilities or contaminate the resulting treatment works' sludge; and
  - (3) To prevent the introduction of pollutants into the wastewater facilities which do not receive adequate treatment in the Village treatment works, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the facilities.

### SEC. 5-3-2            AUTHORITY.

This Chapter is adopted under the authority granted by Sections 62.18, 62.185 and 66.076 of the Wisconsin Statutes.

### SEC. 5-3-3            DEFINITIONS.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this shall be as follows:
  - (1) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter or pounds.
  - (2) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall
  - (3) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
  - (4) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.
  - (5) Compatible Pollutant means biochemical oxygen demand,

suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the Village's wastewater treatment works if such works were designed to treat such additional pollutants, and in fact, does remove such pollutants to a substantial degree.

- (6) Composite Sample denotes a sampling consisting of portions of a waste taken in proportion to the volume of the flow of said waste.
- (7) DNR means Wisconsin Department of Natural Resources.
- (8) Domestic Wastes shall mean wastewater discharged from sanitary conveniences which contains none of the prohibited discharges set forth in Article E of this Chapter.
- (9) Easement shall mean an acquired legal right for a specific use of land owned by others.
- (10) EPA means United States Environmental Protection Agency.
- (11) Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.
- (12) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (13) Holding Tank Waste is any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- (14) Incompatible Pollutant means any pollutant which is not a compatible pollutant.
- (15) Industrial User means any nongovernmental, nonresidential user of the public sewer system which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as amended and supplemented as of October 1, 1978 under one of the following divisions:

Division A	Agriculture, Forestry and Fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, Communications, Electric Gas and Sanitary Services
Division I	Services

In determining the amount of a user's discharge, domestic wastes or discharges from sanitary conveniences may be excluded.

After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding twenty-five thousand (25,000) gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in twenty-five thousand (25,000) gpd of



sanitary waste, are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The strength of the residential waste discharges is defined as 250 mg/l biological oxygen demand (BOD) and 250 mg/l suspended solids (55). Therefore, dischargers with BOD discharge exceeding 52.15 lbs/day or SS exceeding 52.15 lbs/day are considered as industrial users even though this volume does not exceed twenty-five thousand (25,000) gpd.

Any nongovernmental user of the public sewer system which discharges wastewater which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes to contaminate the sludge of any municipal system, or injure or interfere with any sewage treatment process, constitutes a hazard to humans or animal, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works; is also considered an "industrial user."

- (16) Major Contributing Industry means an industrial or commercial facility that is a discharger to the public wastewater facilities and
  - a. has a waste discharge flow of fifty thousand (50,000) gallons or more per average work day;
  - b. has a waste discharge flow greater than five (5%) percent of the flow carried by the public system receiving the waste;
  - c. has in its waste a toxic pollutant in toxic amounts as defined in Wisconsin Administrative Code, Chapter NR 215, or in Article D of this Sewer Use Chapter; or
  - d. has a waste which the Village or the DNR determines has or, in the case of a new source, will have a significant impact either singly or in combination with other wastes on the Village wastewater treatment works or on the quality of effluent from such works.
- (17) May is permissive (see Shall).
- (18) Natural Outlet shall mean any outlet including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (19) Person shall mean any individual, firm, company, association, society, corporation, or group.
- (20) Shall mean the logarithm of the reciprocal of the hydrogenion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$
- (21) Pretreatment means the treatment of wastewaters to remove or reduce the quantity of one or more pollutants prior to discharge to the Village wastewater treatment works.
- (22) Properly Shredded Garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been

shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one (1) inch (1.27 centimeters) in any dimension.

- (23) Public Sewer shall mean a common sewer controlled by the municipality.
- (24) Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (25) Sewage is the spent water of a community. The preferred term is "waste- water."
- (26) Sewer shall mean a pipe or conduit that carries wastewater or drainage water.
- (27) Shall is mandatory (see May).
- (28) Slug shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty- four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (29) Standard Methods shall mean the examination and analytical procedures set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants."
- (30) Storm Drain (sometimes termed Storm Sewer shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (31) Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.
- (32) Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (33) Wastewater shall mean the spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and storm water that may be present.

- (34) Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- (35) Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "publicly owned treatment works."
- (36) Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (37) WPDES Permit means the permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System pursuant to Chapter 147 of the State of Wisconsin Statutes.

SEC. 5-3-4 THRU SEC. 5-3-9

RESERVED FOR FUTURE USE.

## **ARTICLE B**

### Use of Public Sewers Required

#### SEC. 5-3-10      UNSANITARY DEPOSITS.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Pardeeville or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or objectionable waste.

#### SEC. 5-3-11      DISCHARGE TO NATURAL OUTLET.

It shall be unlawful to discharge to any natural outlet within the Village of Pardeeville or in any area under the jurisdiction of said Village, any wastewater or other polluted waters, except where suitable treatment has been provided, in accordance with subsequent provisions of this Chapter.

#### SEC. 5-3-12      PRIVATE WASTE DISPOSAL SYSTEMS.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

#### SEC. 5-3-13      REQUIRED CONNECTION TO WASTEWATER FACILITIES.

"The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer of the Village, is hereby required at the owner's(s) expense to install suitable sanitary conveniences therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so."

#### SEC. 5-3-14 THRU SEC. 5-3-19      RESERVED FOR FUTURE USE.



## ARTICLE C

### Private Wastewater Disposal

#### SEC. 5-3-20      ALLOWANCE OF PRIVATE DISPOSAL SYSTEM.

Where a public sanitary sewer is not available under the provisions of Section 5-3-13, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

#### SEC. 5-3-21      PERMIT. amended 01-21-03

Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit. The application for such permit shall be made on a form furnished by the Village which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Village. A permit and inspection fee as set forth in Section 1-1-8 Dollars shall be paid to the Village at the time the application is filed.

#### SEC. 5-3-22      INSPECTION.

A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Village. A representative of the Village shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the said representative when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice.

#### SEC. 5-3-23      COMPLIANCE WITH STATE AND LOCAL CODES.

The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate administrative codes of the State of Wisconsin. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that set forth in the Village's or county's subdivision regulations or sanitary codes. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

#### SEC. 5-3-24      AVAILABILITY OF PUBLIC SEWER.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in Section

5-3-13, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this Chapter and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean bank-run gravel or sand.

SEC. 5-3-25            OPERATION OF PRIVATE DISPOSAL SYSTEMS.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Village. Sludge removal from private disposal systems is to be performed by licensed operators and disposed of in a manner approved by the DNR. Sludge removal shall be no less frequent than once every three (3) years.

SEC. 5-3-26            ADDITIONAL REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village.

SEC. 5-3-27 THRU SEC. 5-3-29            RESERVED FOR FUTURE USE.





## ARTICLE D

### Building Sewers and Connections to Sewers

#### SEC. 5-3-30      PERMITS. Amended 01-21-03

- (a) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit.
- (b) There shall be two (2) classes of building sewer permits:
  - (1) For residential and commercial service, and
  - (2) For service to establishments producing industrial wastes.In either case, the owner(s) or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village. A permit and inspection fee as set forth in Section 1-1-8 for a residential or commercial building sewer permit and as a permit and inspection fee as set forth in Section 1-1-8 for an industrial building sewer permit shall be paid to the Village at the time the application is filed.

#### SEC. 5-3-31      OWNER'S COST.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### SEC. 5-3-32      SEPARATE BUILDING SEWERS.

A separate and independent building sewer shall be provided for every building.

#### SEC. 5-3-33      EXISTING BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found on examination and test to meet all requirements of this Chapter.

#### SEC. 5-3-34      CONSTRUCTION AND MATERIALS.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, place of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of IHLR 85 of the Wisconsin Administrative Code.

SEC. 5-3-35      DEPTH OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the

public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

SEC. 5-3-36      EXCLUSION OF UNPOLLUTED WATER.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other inflow sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Village for purposes of disposal of polluted surface drainage.

SEC. 5-3-37      CONNECTION OF BUILDING SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village and State. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

SEC. 5-3-38      INSPECTION.

The applicant for the building sewer permit shall notify the proper representative of the Village when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of said representative.

SEC. 5-3-39      EXCAVATION.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

SEC. 5-3-40      CONNECTION OF SANITARY SEWER.

Any person desiring to connect a sanitary sewer other than a

building sewer to a public sewer, shall make application to the Village in writing. The application shall describe the location of the requested connection and the volume and characteristics of the wastewater to be transmitted, and shall include a statement that the new sewers and connections to the public sewer system shall be properly designed and constructed and shall be subject to the lawful rules and regulations of the Village. Connections will be allowed only when the capacity of downstream collection and treatment facilities is adequate. All construction costs including engineering, materials, labor, inspection, and easements shall be the responsibility of the owner(s) of the property for which such connection is desired. Upon completion and Village acceptance of the project for which the connection is desired, all of the facilities constructed other than the building sewers shall be conveyed to the Village free and clear of any liens and the Village shall assume the responsibility for the operation and maintenance of said facilities thenceforth.

SEC. 5-3-41        SANITARY SEWERS.

Design and construction of sanitary sewers and their connection to the public sewers shall be under the direction of a licensed professional engineer authorized by the owner(s) of the property or the Village Engineer if requested by the owner(s). Such engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the Y branches or slants. All costs of such engineering shall be the responsibility of the owner(s). The owner(s) of the property shall notify the proper representative of the Village when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be inspected by said representative.

SEC. 5-3-42    THRU    SEC. 5-3-49    RESERVED FOR FUTURE USE.



## ARTICLE E

### Use of the Village Sewers

#### SEC. 5-3-50      GENERAL PROHIBITED DISCHARGES.

No person shall discharge wastes to a Village sewer which cause or are capable of causing, either alone or with other substances:

- (a) A fire or explosion.
- (b) Obstruction of flow or damage to the wastewater facilities.
- (c) Danger to life or safety of persons.
- (d) Air pollution as defined in Section 144.30(2), Wis. Stats.
- (e) Prevention of effective maintenance or operation of the wastewater facilities.
- (f) Any product of the Village treatment processes or any of the Village's residue, sludge or scum to be unsuitable for reclamation and reuse or to interfere with reclamation processes.
- (g) A detrimental environmental impact, a nuisance, or any condition unacceptable to any public agency having regulatory jurisdiction over the Village.
- (h) Any sanitary sewer or the Village wastewater facilities to be overloaded.
- (i) Excessive Village collection and treatment costs or use of a disproportionate share of the Village facilities.
- (j) A violation of the Village WPDES permit.

#### SEC. 5-3-51      SPECIFIC PROHIBITED DISCHARGES.

Prohibited discharges shall include but not be limited to:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction or in combination with other wastes to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH lower than five (5) or higher than ten (10) or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel
- (d) Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers either whole or ground by garbage grinders.
- (e) Any wastewater from industrial plants containing floatable oils,

fats, or greases.

- (f) Any wastewater which contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (g) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (h) Any water or wastes containing odor-producing substances exceeding limits which may be established by the Village.
- (i) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

SEC. 5-3-52            PROHIBITIONS ON UNPOLLUTED WATER DISCHARGES.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by written permission of the Village.

SEC. 5-3-53            DISCHARGE OF UNPOLLUTED WATER.

Storm water other than that exempted under Section 5-3-52, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Village or other regulatory agency to a storm sewer, combined sewer, or natural outlet.

SEC. 5-3-54            LIMITATIONS RELATED TO TREATMENT PLANT INFLUENT.

Discharge to the Village wastewater facilities of the following described substances, materials, waters or waste shall be limited to concentrations of quantities which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance:

- (a) Liquid having a temperature higher than sixty-five (65) degrees C.
- (b) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
- (c) Radioactive wastes which alone or with other wastes result in releases greater than those specified by current United States

Bureau of Standards Handbooks, or which violate rules or regulations of any applicable regulatory agency.

- (d) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- (e) Wastewater containing more than three hundred (300) mg/l of oil or grease of animal or vegetable origin.
- (f) Wastewater which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (g) Wastewater which contains in excess of:

Pollutant or Pollutant Property		Maximum Conc. for Any 1 Day (mg/l)	Maximum Conc. Average of Daily Values for 4 Consecutive Monitoring Days (mg/l)
Aluminum	Al	1.0	-
Cadmium	Cd	1.2	0.7
Chromium	Cr	7.0	4.0
Copper	Cu	4.5	2.7
Cyanide, Total	CN, T	1.9	1.0
Lead	Pb	0.8	0.4
Mercury	Hg	0.002	-
Nickel	Ni	4.1	2.6
Selenium	Se	0.3	-
Silver	Ag	0.04	-
Zinc	Zn	4.2	2.6
Total Metals		10.5	6.8

- (h) The Village may change the requirements established in the regulations above if necessary to meet the objectives of this Chapter or the requirements of government agencies.

#### SEC. 5-3-55            LIMITATIONS RELATED TO TREATMENT PLANT EFFLUENT.

No person shall discharge any wastewater to the sewerage system which in combination with other discharges results in a treatment plant effluent having concentrations exceeding the following limits:

0.100 mg/l total phenols  
0.005 mg/l free cyanides  
0.002 mg/l polychlorinated biphenols (PCB's)

#### SEC. 5-3-56            ACCIDENTAL DISCHARGE OF PROHIBITED WASTE WATER.

All discharges shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Dischargers shall notify the Village immediately upon the occurrence of an accidental discharge, including the location of the

discharge and the type, concentration and volume of the discharge. Within fifteen (15) days of the discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent future occurrences shall be submitted to the Village. The dischargers will be liable for any expense, loss or damage to the treatment works caused by the discharge in addition to any fines imposed by the Village pursuant to this Chapter.

SEC. 5-3-57      DILUTION.

No discharger shall increase the use of potable or process water in any way or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter.

SEC. 5-3-58      ALTERNATIVES TO ACCEPTANCE OF WASTEWATER.

If any waters or wastes are discharged or are proposed to be discharged to the Village sewers in excess of those limitations enumerated in Sections 5-3-54 and 5-3-55, or other substances not enumerated, and which, in the judgment of the Village, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters; or which otherwise create a hazard to life or constitute a public nuisance; the Village may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge.
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

SEC. 5-3-59      PRETREATMENT.

- (a) Major contributing industries shall pretreat their discharges pursuant to this Chapter and Wisconsin Administrative Code NR 211, and industrial dischargers shall pretreat their discharges when required by the Village.
- (b) The construction, operation, and maintenance of all pretreatment facilities shall be at the expense of the discharger.

SEC. 5-3-60      SAND AND GREASE INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 5-3-54, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All



interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by owner ('s, s') personnel must be performed by currently licensed waste disposal firms.

SEC. 5-3-61            DISCHARGE OF HOLDING TANK WASTES.

No person shall discharge holding tank wastes directly into a manhole or other opening in a Village sewer. Holding tank wastes shall be discharged as directed by the Village at the treatment works. The Village shall determine appropriate charges for such discharges.

SEC. 5-3-62            SPECIAL AGREEMENTS.

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and a user whereby a waste of unusual strength or character may be accepted by the Village for treatment.

SEC. 5-3-63 THRU SEC. 5-3-69    RESERVED FOR FUTURE USE.



## **ARTICLE F**

### **Monitoring, Sampling and Reporting**

#### SEC. 5-3-70      MONITORING FACILITIES.

- (a) Wastewater characteristics and constituents of all major contributing industries shall be monitored to determine compliance with this Chapter. To facilitate this monitoring, the discharger shall construct monitoring facilities in a safe and accessible condition at all times. The monitoring facilities shall be installed in accordance with plans approved by the Village.
- (b) Any discharger may be required by the Village to monitor its discharge to determine compliance with this Chapter. If such monitoring shows that the discharger is a major contributing industry due to the nature of its discharges, the Village may require monitoring facilities to be installed. Such monitoring facilities shall be installed within ninety (90) days after written notice is given by the Village.
- (c) Monitoring facilities shall contain the necessary meters and equipment to facilitate the observation, sampling and measurement of wastes and be appropriate for the specific items requiring monitoring.
- (d) The requirements of this Section may be waived upon special written permission of the Village.

#### SEC. 5-3-71      POWERS AND AUTHORITY FOR INSPECTION AND SAMPLING.

- (a) The officials or other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the Village wastewater facilities in accordance with the provisions of this Chapter.
- (b) The officials or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- (c) While performing the necessary work on private properties referred to above, the official or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village officials or employees, and the Village shall indemnify the company against loss or damage to its property by the Village officials or employees and against liability claims and demands for personal injury or property damage asserted against the company and

growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5-3-70.

- (d) The officials and other duly authorized employees of the Village bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### SEC. 5-3-72

#### REPORTING REQUIREMENTS.

- (a) The Village may require a discharger to provide information concerning, but not limited to:
  - (1) Volume, time and peak rate of discharges;
  - (2) Chemical analysis of discharges;
  - (3) Raw materials, processes and products relevant to discharge characteristics;
  - (4) Discharges of specific wastes such as sludge, oil, solvent, or incompatible pollutants;
  - (5) Plot plans of sewers on the discharger's property showing locations of sewers, monitoring facilities and pretreatment facilities;
  - (6) Details of pretreatment facilities;
  - (7) Details of systems to prevent losses of materials through spills to the Village sewers.
- (b) Each major contributing industry shall submit to the Village by the fifteenth of March each year a report on the quality and quantity of its industrial discharges. The report shall be a copy of the form required by Wisconsin Administrative Code NR 101 and shall contain analyses for compatible pollutants (e.g., BOD, SS, pH) and for all incompatible pollutants listed in this Chapter unless the discharger has obtained specific exemption from reporting certain constituents.
- (c) If any major contributing industry discharges incompatible pollutants which require pretreatment prior to discharge to the Village wastewater system, the quality and quantity of the discharge shall be reported to the Village quarterly by March 15th, June 15th, September 15th and December 15th.
- (d) The reporting period shall not include the thirty (30) day period immediately preceding the day that the report is due. All analyses should be done on representative twenty-four (24) hour composite samples taken during a typical operating day.
- (e) All measurements and test analyses of the characteristics of wastewater shall be determined in accordance with "Standard Methods." Alternate methods of analysis may be used subject to prior written approval of the Village.
- (f) All dischargers required to report this Section shall retain and

preserve for no less than three (3) years, any records, books, documents, memorandum, reports, correspondence and any and all summaries thereof relating to monitoring, sampling and chemical analysis made by or in behalf of the discharger in connection with its discharge.

- (g) All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Village pursuant to this Chapter shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired.

SEC. 5-3-73 THRU SEC. 5-3-79      RESERVED FOR FUTURE USE.



## ARTICLE G

### Protection from Damage

#### SEC. 5-3-80      PROTECTION FROM DAMAGE.

No person(s), shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of criminal damage to property or other appropriate charge.

#### SEC. 5-3-8 1 THRU SEC. 5-3-89   RESERVED FOR FUTURE USE.





## **ARTICLE H**

### Penalties

#### SEC. 5-3-90      NOTIFICATION OF VIOLATION.

Any person found to be violating any provision of this Chapter, except Article G, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

#### SEC. 5-3-91      PENALTY.

- (a) Any person who shall continue any violation beyond the time limit provided for in Section 5-3-90, shall forfeit an amount not exceeding Ten (\$10.00) Dollars for each violation for residential, commercial and public users, and Fifty (\$50.00) Dollars for each violation for industrial customers. Each day in which any such violation shall continue shall be deemed a separate offense.
- (b) Continued violation may result in the refusal of the Village to accept the discharges of the violating discharger.

#### SEC. 5-3-92      DISCHARGER LIABILITY.

Any person violating any of the provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

#### SEC. 5-3-93      MISREPRESENTATION.

Any person who knowingly makes a false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter; shall, upon conviction, be punished by the imposition of a forfeiture of not more than One Thousand (\$1,000.00) Dollars.

#### SEC. 5-3-94    THRU    SEC. 5-3-99    RESERVED FOR FUTURE USE.



## **ARTICLE I**

### Right of Appeal

#### SEC. 5-3-100      RIGHT OF APPEAL.

Any discharger or agent of the discharger shall have the right to appeal an interpretation or ruling by the Village on any matter covered by this Ordinance. The discharger or his agent shall be entitled to a hearing before the Village Board of the Village for the purpose of appeal. Such a meeting shall be promptly scheduled by the Village upon receipt of a written appeal from the discharger.

#### SEC. 5-3-101      STAY OF ENFORCEMENT.

In the event that such appeal deals with matters of performance or compliance with this Chapter for which enforcement activity relating to an alleged violation is subject, receipt of a discharger's written appeal shall stay all enforcement proceedings pending the hearing before the Board. Appeal on a final judgment by the Village entered pursuant to this Chapter may be taken in accordance with the law of the State of Wisconsin.

## CHAPTER 4

### Miscellaneous Utilities Regulations

- § 5-4-1 Cross-Connection Control
- § 5-4-2 Natural Gas Franchise
- § 5-4-3 Special Assessment for Delinquent Bills

### Appendix A - Connection Form

#### SEC. 5-4-1 CROSS-CONNECTION CONTROL.

- (a) PURPOSE. The purpose of this Section is to provide a program for protecting the Public Water System from contamination due to back flow of contaminants through the water service connection into the public water system.
- (b) DEFINITION. A "cross connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Pardeeville Water System, and the other water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (c) DEFINITION. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Pardeeville, may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Pardeeville Water & Sewer Commission and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Administrative Code.
- (d) INSPECTIONS. It shall be the duty of the Pardeeville Water & Sewer Commission to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Village of Pardeeville and as approved by the Wisconsin Department of Natural Resources.
- (e) ENTRY. Upon presentation of credentials, the representative of the Pardeeville Water & Sewer Commission shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Pardeeville for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122, Wis. Stats. On request the owner, lessee or

occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

- (f) DISCONNECTION. The Pardeeville Water & Sewer Commission is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided for in Section (g). Water service to such property shall not be restored until the cross connections have been eliminated in compliance with the provisions of this ordinance.
- (g) DISCONNECTION-HEARING. If it is determined by the Pardeeville Water & Sewer Commission that a cross connection or an emergency endangers public health, safety or welfare and requires the immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the Village of Pardeeville and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (h) ADOPTION OF STATE CODE. The Village of Pardeeville adopts by reference the State Plumbing Code of Wisconsin, being Chapter H 62, Wisconsin Administrative Code.
- (i) SUPPLEMENTAL IN NATURE. This Section does not supersede the State Plumbing Code and Village plumbing regulations, but is supplementary to them.

SEC. 5-4-2                    NATURAL GAS FRANCHISE.

- (a) There is hereby granted Wisconsin Power & Light Company, a public utility corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with its principal office at Madison, Wisconsin, a franchise, license and permit to supply, in public service, gas to the Village of Pardeeville, Columbia County, Wisconsin, and to its inhabitants.
- (b) The gas will primarily be natural gas as received from the pipeline company, but may from time to time contain varying proportions of manufactured gas. The characteristics of the gas received from the pipeline company may vary or be changed from time to time within the limits permitted under regulation of the Federal Power Commission, and the characteristics of the gas delivered to the Customer may vary or be changed from time to time within the limits permitted under regulation of the Public Service Commission of Wisconsin.
- (c) There is hereby granted to Wisconsin Power & Light Company for the purpose of enabling the Company to furnish gas service to the Village of Pardeeville, and to its inhabitants, the right and authority to place, lay, maintain and repair gas mains and gas

laterals, and other necessary and proper appurtenance, in the streets, alleys and public ways and grounds in the Village of Pardeeville.

- (d) A condition of the franchise, license and permit is that the Wisconsin Power & Light Company shall not damage highway improvements without restoring the damaged portions to a condition of repair equal to that existing prior to such damage.
- (e) This Section shall confer no right, privilege or authority upon the Wisconsin Power & Light Company, its successors or assigns, unless such Company installs such gas service in the Village of Pardeeville within a period of seven (7) years in accordance with the rules filed with the Public Service Commission of Wisconsin.

SEC. 5-4-3

SPECIAL ASSESSMENT FOR DELINQUENT BILLS Amended 5-15-12

- (a) In addition to other methods provided by law, it is hereby provided that special assessments for delinquent utility bills may be levied in accordance with the provisions of this section, which are hereby adopted pursuant to Section 66.0809(3), Wis. Stats. and any amendment or renumbering thereof.
- (b) Delinquent utility bills levied as a special assessment against the real property shall become a lien thereon, and placed on the tax rolls with the same effect as other Village taxes unless the Pardeeville Utility Commissions otherwise determine after notice of an opportunity to be heard as hereinafter set forth.
- (c) An electric, water and sewer bill shall be deemed delinquent, if any amount remains unpaid for sixty (60) days or more, and if delinquent, the Pardeeville Utility Commissions shall send written notice to the user and to the property owner, and said notice shall state as follows:
  - (1) The amount of bill and the fact that the bill is delinquent;
  - (2) That the delinquent bill will be specially assessed against the real property and shall become a lien thereon and placed on the tax roll unless paid within thirty (30) days from the date of the notice; and
  - (3) That the user and/or property owner may petition for a hearing before the Pardeeville Electric, Water or Sewer Commissions and if such petition is filed, the Pardeeville Utility Commissions shall set a date for a hearing, said date which shall be less than (60) days after the first issuance of the delinquent bill and at least five (5) days after said written notice is mailed.
- (d) The Pardeeville Electric, Water or Sewer Commissions may determine not to have the delinquent utility bill levied as a special assessment within the time periods set forth above only under the following circumstances:
  - (1) Payment is made; or
  - (2) Reasonable assurance is given by the user and/or property owner, the payment will be made within a reasonable time not to exceed forty-five (45) days from the date of the hearing, if payment is not made as guaranteed, the bill amount shall be specially assessed as a lien to be placed

- on the tax roll after the deadline for payment set by the Pardeeville Electric, Water or Sewer Commissions; or
- (3) The bill is incorrect either in the amount or user and/or property owner obligated to pay and in that event, the Pardeeville Utility Commissions shall direct the issuance of a revised statement.
- (e) The Pardeeville Electric, Water and Sewer Commissions shall, on September 1 of each year, send as letter to all known landlords explaining the ordinances in the Village of Pardeeville regarding delinquent utility bills and the landlord's responsibilities thereof
- (f) In addition to the time period set forth above for notification of delinquent utility bills, the Pardeeville Electric, Water and Sewer Commissions shall, on an annual basis on September 1 of each year, send a notice to all users and property owners who have, as of September 1, delinquent electric, water or sewer utility bills as defined in subparagraph 3 above. The letter shall provide the name and address of the user and shall state the parcel of property involved thereof and the amount of the utility bill. When it is known that the user is a renter, a copy of said notice shall be forwarded to the landlord.
- (g) The user, landlord and/or property owner shall have the time periods set forth in Subsection (c) (2) and (3) to pay or to request a hearing. If they fail to make the appropriate payment, then on or about November 1 of each year, the name of the user and/or property owner and the delinquent amounts shall be provided to the Village Clerk to be placed on the tax rolls as a special assessment. On November 2 of each year, notification of the placement as a special assessment on the tax rolls shall be forwarded to the user and/or property owner.
- (h) The provisions set forth in paragraphs (a)-(g) above, where applicable, shall apply to charges incurred by the Electric Utility for the construction, reconstruction, maintenance, replacement, or repairs to any facilities involved in the transmission of electric power to a specific user.

**APPENDIX A - CONNECTION FORM**

**VILLAGE OF PARDEEVILLE**

**APPLICATION FOR PERMIT TO CONNECT TO THE WATER AND/OR SEWER SYSTEM  
(Pursuant Village Ordinances Title 5, Chapter 2)**

Permit No. \_\_\_\_\_ Date: \_\_\_\_\_

The undersigned hereby applies for a permit to connect the premises at \_\_\_\_\_  
\_\_\_\_\_, Pardeeville,

Wisconsin, to the Village Water and/or Sewer System on \_\_\_\_\_  
Street, for (residence) (business) purposes and to make the necessary excavations on  
public streets and grounds; agrees to comply with State law and all Ordinances, rules  
and regulations of the Village of Pardeeville; agrees that all joints shall be sealed  
water-tight and that all sealings of joints will be done only under the inspection of  
the Water and Sewer Inspector designated as agent for the Village and its Public  
Utilities Commission; agrees that excavations will be back-filled and the premises  
restored as provided by ordinance unless the Village is engaged to do such back-  
filling. The connection of the laterals to the Water and/or Sewer Mains will be no  
closer than 8 feet of the property line. The installation will be a straight line as  
possible from the main to the building. Any deviation from these policies would be  
upon approval of the Public Utilities Commission.

This Application for Permit shall be supplemented by any plans, specifications, or  
other information considered pertinent in the judgment of the Village. The permit fee  
shall be paid at the time the application is filed.

The owner of the premises is \_\_\_\_\_ and the  
undersigned  
is authorized to make this application and to pay to the Village the required fees  
herewith tendered as follows:

WATER \_\_\_\_\_ SEWER \_\_\_\_\_

Permit & Inspection Fee \$ \_\_\_\_\_

Fees: Residential/Commercial \$10.00  
Industrial \$50.00

The work is to be started on \_\_\_\_\_ and  
completed by \_\_\_\_\_.

Signature of Property Owner: \_\_\_\_\_  
The Permit # \_\_\_\_\_ applied for by \_\_\_\_\_  
is granted upon the foregoing terms and conditions, this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_

VILLAGE OF PARDEEVILLE,  
Through its Public Utilities Commission Agent

BY: \_\_\_\_\_

Designated Agent



## CHAPTER 5

### Wellhead Protection

- § 5-5-1 Construction of Chapter
- § 5-5-2 Definitions
- § 5-5-3 Establishment of Wellhead Protection Area
- § 5-5-4 Permitted Uses
- § 5-5-5 Prohibited Uses
- § 5-5-6 Administration
- § 5-5-7 Enforcement

### Appendix A -- Well Separation Distances

#### SEC. 5-5-1 CONSTRUCTION OF CHAPTER

- (a) TITLE. This chapter shall be known as the "Wellhead Protection Ordinance" jointly ordained by the Village Board and the Pardeeville Public Utility Commission.
- (b) PURPOSE AND AUTHORITY.
  - (1) The residents of the Village of Pardeeville (hereafter Village) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Chapter is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Village.
  - (2) These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.
- (c) APPLICABILITY. These regulations specified in this Chapter shall apply within the Village's corporate limits.

#### SEC. 5-5-2 DEFINITIONS

The following definitions shall be applicable in this Chapter:

- (a) HAZARDOUS WASTE OR MATERIAL. Any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:
  - (1) Cause or significantly contribute to an increase in serious irreversible or incapacitating reversible illness; or
  - (2) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

- (b) SANITARY LANDFILL. A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- (c) WELLHEAD. The upper terminal of a well, including adapters, ports, seals, valves and other attachments.
- (d) REGULATORY AGENCY. Any governmental agency with jurisdiction over hazardous waste as defined herein.

SEC. 5-5-3                    ESTABLISHMENT OF WELLHEAD PROTECTION AREA

There is hereby established a use district to be known as a wellhead protection area, identified and described in Appendage I.

SEC. 5-5-4                    PERMITTED USES

The following uses shall be permitted within wellhead protection zones:

- (a) Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- (b) Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

SEC. 5-5-5                    PROHIBITED USES

The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of this ordinance unless such uses are approved or permitted by State and Federal Regulatory Agencies and separation distance established for newly constructed wells will be maintained to meet the requirements of Chapter NR811.16 Pages 120-121 of Wisconsin Administrative Code effective date May 1, 1992.

- (a) Surface use or storage of hazardous material, including commercial use of agricultural pesticides.
- (b) Septic tanks or drain fields appurtenant thereto.
- (c) Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and walks serving buildings permitted under Section 4 of this ordinance;
- (d) Sanitary landfills;
- (e) Hazardous waste disposal sites;
- (f) Storm water infiltration basins;
- (g) Non-properly abandoned Underground storage tanks;
- (h) New sanitary sewer lines within less than 200 feet of a wellhead;
- (I) Any other potential threats to groundwater maybe prohibited as

determined by the Village Board of Pardeeville and Pardeeville Public Utility Commission.

SEC. 5-5-6

ADMINISTRATION

The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zoning ordinance for the Village of Pardeeville, as enacted or amended.



## Appendix A

### Wellhead Protection

#### (a) Well #1

The calculated separation distance for Well #1 is estimated to range from 650 ft. to 971 ft. Pumping rates of 197 gpm (highest rate for 1993), 375 gpm (1985 Public Water Supply Data Book), and 440 gpm (1939 well log) were used in the determination. Based on these calculations, a 1200 ft. radius linked to physical features is established. (Figure 1)

#### (b) Well #2

The calculated separation distance for Well #2 is estimated to range from 463 ft. to 764 ft. Pumping rates of 155 gpm (highest rate for 1992), 200 gpm (1985 Public Water Supply Data Book), and 421 gpm (1962 well log) were used in the determination. Based on these calculations, a 1200 ft. radius linked to physical features is established. (Figure 1)

#### (c) Well #3

The calculated separation distance, completed by Vierbicher Associates, is estimated as a 570 ft. radius. A pumping rate of 9,168,800 c.f. was used in the determination. Based on these calculations, a 1200 ft. radius, linked to physical features, is established. (Figure 1)

## TITLE 6

### Health and Sanitation

- Chapter 1 Health and Sanitation
- Chapter 2 Pollution Abatement
- Chapter 3 Refuse Disposal and Collection
- Chapter 4 Sanitary Waste Disposal Operation

## CHAPTER 1

### Health and Sanitation

- ~~§ 6-1-1 Health Officer; Duties and Powers~~ Repealed 01-21-03
- § 6-1-2 Rules and Regulations
- § 6-1-3 Health Nuisances; Abatement of
- § 6-1-4 Keeping of Livestock
- § 6-1-5 Deposit of Deleterious Substances Prohibited
- § 6-1-6 Destruction of Noxious Weeds
- § 6-1-7 Regulation of Natural Lawns
- § 6-1-8 Regulation of Length of Lawn and Grasses
- § 6-1-9 Regulation of Smoking
- § 6-1-10 Portable Toilet Usage

~~SEC. 6-1-1 HEALTH OFFICER; DUTIES AND POWERS.~~ Repealed 01-21-03

#### SEC. 6-1-2 RULES AND REGULATIONS.

The Board of Health may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare, and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

#### SEC. 6-1-3 HEALTH NUISANCES; ABATEMENT OF.

- (a) DEFINED. A health nuisance is any source of filth or cause of sickness.
- (b) DUTY TO ABATE. The Health Officer and the Board of Health shall abate health nuisances pursuant to sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this section.

State Law Reference: Section 146.14, Wis. Stats.

SEC. 6-1-4            KEEPING OF LIVESTOCK.

- (a)    SANITARY REQUIREMENTS. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.
- (b)    ANIMALS EXCLUDED FROM FOOD HANDLING ESTABLISHMENTS. No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

SEC. 6-1-5            DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own, any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SEC. 6-1-6            DESTRUCTION OF NOXIOUS WEEDS.

- (a)    The Village Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b)    If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Health and Sanitation Weed Commissioner after the expiration of five (5) days' period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Section 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply with such five (5) day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- (c)    As provided for in Sec. 66.96(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which if allowed to pollinate would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 6-1-8,

shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)  
Ambrosia artemisiifolia (Coin mon ragweed)  
Ambrosia trifida (Great ragweed)  
Euphorbia esula (Leafy spurge)  
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)  
Tragopogon dubius (Goat's Beard)  
Rhus radicans (Poison ivy)  
Cirsium vulgaries (Bull thistle)  
Pastinaca sativa (Wild parsnip)  
Arctium minus (Burdock)  
Xanthium strumarium (Cocklebur)  
Amaranthus retroflexus (Pigweed)  
Chenopodium album (Common lambsquarter)  
Rumex Crispus (Curled dock)  
Cannabis sativa (Hemp)  
Plantago lanceolata (English plantain)

Noxious grasses, as defined in this Section and in Section 6-1-8, shall include but not be limited to the following:

Agrostia alba (Redtop)  
Dactylis glomerata (Orchard)  
Phleum pratensis (Timothy)  
Poa pratensis (Kentucky blue)  
Sorghum halepense (Johnson)  
Setaria (Foxtail)

State Law Reference: Section 66.96, Wis. Stats.

SEC. 6-1-7                      REGULATION OF NATURAL LAWNS. amended 01-21-03

- (a) NATURAL LAWNS DEFINED. Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural Lawns are the noxious grasses and weeds identified in Section 6-1-6 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) NATURAL LAWN MANAGEMENT PLAN DEFINED.
- (1) Natural Lawn Management Plan is used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plants and plant succession involved, and the specific management and maintenance techniques



to be employed.

- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawn shall not be permitted within ten (10) feet of the abutting property owners' property unless waived in writing by the abutting property owner on the side so affected. Such waiver to be affixed to the Lawn Management Plan.
- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 2 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) APPLICATION PROCESS.

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a fee as set forth in Section 1-1-8. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one (51%) percent or more

of the neighboring property owners, the Clerk-Treasurer shall immediately deny the application. Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one (51%) percent of the neighboring property owners provide written objections, the Village Clerk- Treasurer shall issue permission to install a natural lawn.
- (d) APPLICATION FOR APPEAL. The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Public Works Parks and Property Committee at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Public Works Parks and Property Committee shall be final and binding.
- (e) SAFETY PRECAUTIONS FOR NATURAL GRASS AREAS.
- (1) When in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard, due to weather and/or other conditions the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
  - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawn thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand (\$300,000.00) Dollars.
- (f) REVOCATION OF AN APPROVED NATURAL LAWN MANAGEMENT PLAN PERMIT. The Clerk-Treasurer, upon the recommendation of the Director of Public Works, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in the approved Natural Lawn Management Plan permit or any requirements set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Public Works, Parks and Property Committee. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed

within the fifteen (15) calendar day requirement shall be reviewed by the Public Works Committee in an open meeting. The Public Works, Parks and Property Committee shall make a recommendation to the Village Board. The decision rendered by the Village Board shall be final and binding.

(g) PUBLIC NUISANCE DEFINED - ABATEMENT AFTER NOTICE.

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State Statute.
- (3) The failure of the Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice, shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance, as provided for in this Section.

(h) PENALTY.

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

SEC. 6-1-8

REGULATION OF LENGTH OF LAWN AND GRASSES.

Amended 01-21-03

- (a) PURPOSE. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Pardeeville.
- (b) PUBLIC NUISANCE DECLARED. The Village Board finds that lawns, grasses and noxious weeds on lots or parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of Health and Sanitation plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches

in length is hereby declared to be a public nuisance, except for property located in a designated flood plain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 6-1-7 above.

- (c) NUISANCES PROHIBITED. No person, firm or corporation shall permit any public nuisance as defined in subsection (b) above to remain on any premises owned or controlled by him within the Village.
- (d) INSPECTION. The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in subsection (b) above exists.
- (e) ABATEMENT OF NUISANCE.
  - (1) If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in subsection (b) above exists, he shall immediately report such existence to the Village Administrator who shall, if it determines that such a nuisance exists, cause notice to be served on the property owner that he shall have 24 hours to abate the nuisance.
- (f) VILLAGE'S OPTION TO ABATE NUISANCE. In any case where the owner, occupant or person in charge of the property shall fail to cut their lawn, grass or weeds as set forth above, then and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
  - (1) The Village shall cut or cause to be cut all grass and weeds from the subject's property, and shall charge the expenses of so doing at a rate set forth in Section 1-1-8. The charges shall be set forth in a statement to the Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section Health and Sanitation 66.615(3)(f), Wisconsin Statutes.
- (g) CHARGES
  - (1) All property owners shall comply with the Weed Ordinance Order to mow his or her own property in the time frame specified by the Village Administrator. Failure to do so will result in the property being mowed by the Village of Pardeeville at a charge set forth in Section 1-1-8.
  - (2) This charge will be billed directly to the property owner and if not paid to be added to his/her general property/real estate tax due.

SEC. 6-1-9      REGULATION OF SMOKING. (Adopted State Statute 101.123-Smoking Prohibited on June 15, 2010)

- (a) DEFINITIONS. In this Section:
  - (1) "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.
  - (2) "Inpatient health care facility" has the meaning provided under Sec. 140.86(1), Wis. Stats., except that it does include community-based residential facilities as defined under Sec.

50.0 1(1), Wis. Stats.

- (3) "Office" means any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.
- (4) "Person in charge" means the person who ultimately controls, governs or directs the activities aboard a public conveyance or within a place where smoking is regulated under this Section, regardless of the person's status as owner or lessee.
- (5) "Public conveyance" means mass transit vehicles as defined by Sec. 340.01(28q), Wis. Stats., and school buses as defined by Sec. 340.0 1(56), Wis. Stats.
- (6) "Restaurant" means an establishment defined in Sec. 50.50(3), Wis. Stats., with a seating capacity of more than fifty (50) persons.
- (7) "Retail establishment" means any store or shop in which retail sales is the principal business conducted, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverage license, and except bowling alleys.
- (8) "Smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

(b) REGULATION OF SMOKING.

- (1) Except as provided in Subsection (c), no person may smoke in the following places:
  - a. Public conveyances.
  - b. Educational facilities.
  - c. Inpatient health care facilities.
  - d. Indoor movie theaters.
  - e. Offices.
  - f. Passenger elevators.
  - g. Restaurants.
  - h. Retail establishments.
  - i. Public waiting rooms.
  - j. Any enclosed, indoor area of a state, county, city, village or town building.
- (2) The prohibition in Subsection (b)(1) above applies only to enclosed, indoor areas.

(c) EXCEPTIONS. The regulation of smoking in Subsection (b) does not apply to the following places:

- (1) Areas designated smoking areas under Subsection (d).
- (2) Offices occupied exclusively by smokers.
- (3) Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.
- (4) Restaurants holding a "Class B" intoxicating liquor or Class "B" fermented malt beverage license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than fifty (50%) percent of the restaurant's receipts.
- (5) Offices that are privately owned and occupied.
- (6) Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
- (7) Prisons, secured correctional facilities, secure detention facilities, jails and lockup facilities.

(d) DESIGNATION OF SMOKING AREAS.

- (1) A person in charge or his or her agent may designate smoking

areas in the places where smoking is regulated under Subsection (b) unless a fire marshal, law, ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas.

- (2) If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public. If an entire building is designated a smoking area, notice of the designation shall be posted on or near all entrances to the building normally used by the public, but posting notice of the designation on or near entrances to rooms within the building is not required.
  - (3) The person in charge or his or her agent shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This paragraph requires no new construction of physical barriers or ventilation systems in any building.
  - (4) This Section requires the posting of signs only in areas where smoking is permitted.
- (e) RESPONSIBILITIES. The person in charge or his or her agent shall:
- (1) Post signs identifying designated smoking areas; and
  - (2) Arrange seating to accommodate non-smokers if smoking areas are adjacent to non-smoking areas.
- (f) PENALTIES.
- (1) On and after April 1, 1985 any person in charge or his or her agent who willfully fails to comply with Subsection (e) shall forfeit not more than Twenty-five (\$25.00) Dollars.
  - (2) Sections 101.02(13)(a) and 939.61(1), Wis. Stats., do not apply to this Section.
  - (3) A violation of this Section does not constitute negligence as a matter of law.
- (g) INJUNCTION. After July 1, 1985, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this Section.

State Law Reference: Section 101.1 23, Wis. Stats.

Sec. 6-1-10            PORTABLE TOILET USAGE.

- (a) Portable toilets are not permitted unless used in conjunction with ongoing construction or in support of an existing system which on its own could not support the excessive amount of usage during such things as festivals and/or special events. Usage of portable toilets will require approval of the Village Board or designee prior to a permit being issued.

## Chapter 2

### Pollution Abatement

- § 6-2-1 Clean-up of Spilled or Accidentally Discharged Wastes
- § 6-2-2 Storage of Polluting Substances
- § 6-2-3 Private Well Abandonment

#### SEC. 6-2-1 CLEAN-UP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- (a) CLEAN-UP REQUIRED. All persons, firms or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing the pollution to the lakes and streams under the jurisdiction of the Village.
- (b) NOTIFICATION. Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Police Department so that assistance can be given by the proper agency.
- (c) FINANCIAL LIABILITY. The party or parties responsible for the release, escape or discharge of wastes may be held financially liable for the cost of any clean-up or attempted clean-up deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the pollution effects of the discharged waste.

#### SEC. 6-2-2 STORAGE OF POLLUTING SUBSTANCES.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Village.

#### SEC. 6-2-3 WELL ABANDONMENT amended 01-1-03

- (a) PURPOSE. The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that: (1) unused, unsafe or noncompliant wells; or (2) wells which may serve as conduits for groundwater contamination; or (3) well which may be illegally cross-connected to the municipal system are

properly abandoned.

(b) APPLICABILITY.

- (1) All wells within the limits of the Village of Pardeeville which are in unusable condition, unsafe or do not comply with Chapter NR112 of the Wisconsin Administrative Code, or which may serve as conduits for groundwater contamination shall be abandoned in accordance with this ordinance by December 31, 1990 or within one (1) year after connection to the municipal system becomes available unless a well operation permit has been granted pursuant to Subsection (c).
- (2) Premises where municipal water service is not available are exempt from this section.
- (3) Where feasible, noncompliant wells and pump installations may be upgraded to comply with Chapter NR112, Wisconsin Administrative Code. A private well may be temporarily abandoned under provisions of Chapter NR112. A well constructed for potable use may not be considered a non-potable well to avoid the applicability of this section.
- (4) If water from a private well is known to produce water which exceeds a Department of Natural Resources health advisory, a primary standard in Chapter NR109 or an enforcement standard in Chapter NR140, Wisconsin Administrative Code, a well operation permit shall not be issued without approval of the Department of Natural Resources.
- (5) An illegal cross connection exists where a private well is connected to a plumbing system which is also connected to the municipal system. Chapters 111R82 and NR111, Wisconsin Administrative Code, prohibit such connections.

(c) WELL OPERATION PERMITS.

- (1) A permit may be granted to a well owner to operate a private well for a period not to exceed five (5) years. At the end of the permit period, the well owner may apply for a renewal of a permit upon submittal of updated information necessary for a permit application. The Village of Pardeeville may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit. Permit applications shall be made on forms provided by the Clerk.
- (2) The following requirements must be met before a well operation permit is issued:
  - a. The well has a functional pumping system and its use can be justified in addition to the water provided by the public water system.
  - b. The well has a history of producing bacteriological safe water and presently produces bacteriological safe water as demonstrated by providing a copy of the results of a water sample analyzed at a state certified laboratory within three (3) months preceding the request for the well operation permit or permit renewal.
  - c. The well and pump installation meets the requirements of Chapter NR112, Wisconsin Administrative Code, as certified by a Department of Natural Resources licensed well driller or pump installer or by the Department of Natural Resources staff evaluation.
  - d. No physical connection exists between the piping of the



public water system and a private well.

- e. A fee in the amount set forth in Section 1-1-8 is paid to the Village for processing a permit for a five (5) year term.
- (d) ABANDONMENT METHODS. Wells shall be abandoned according to the procedures outlined in NR112, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to abandonment. Any obstruction or liner must be removed, if possible. Filling with unapproved materials or use of unacceptable procedures is prohibited.
- (e) REPORT AND INSPECTION. An abandonment report form (Department of Natural Resources No. 3300-5) is available at the Clerk's office and must be submitted to the Clerk within ten (10) days of abandonment completion. Forty-eight (48) hour advance notice of well abandonment work must be provided to the Clerk so the filling may be observed by a representative of the Village. The Clerk shall send a copy of Form 3300-5 to the appropriate Department of Natural Resources district office within ten (10) days of receipt of the completed form.
- (f) PENALTIES.
  - (1) Any person, firm or other well owner violating any provision of this Section shall, upon conviction, be punished by forfeiture of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars together with the cost of prosecution. Each day during which a violation exists shall be deemed and constitute a separate offense.
  - (2) If any person fails to comply with this Section for more than ten (10) days after notice in writing, the Village may impose a penalty or may cause the abandonment to be done and the expense thereof shall be assessed as a special tax against the property.

## CHAPTER 3

### Refuse Disposal and Collection

- § 6-3-1 Title; Collection Service; Brush Collection
- § 6-3-2 Declaration of Policy
- § 6-3-3 Definitions
- § 6-3-4 Storage and Collection Areas
- § 6-3-5 Approved Waste and Refuse Containers
- § 6-3-6 Collection of Solid Waste
- § 6-3-7 Prohibited Activities and Non-Collectable Materials
- § 6-3-8 Garbage Accumulation; When a Nuisance
- § 6-3-9 Refuse From Outside the Municipality
- § 6-3-10 Enforcement and Penalties

#### SEC. 6-3-1 TITLE; COLLECTION SERVICE; BRUSH COLLECTION.

- (a) TITLE. This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Pardeeville, Wisconsin, hereinafter referred to as Chapter.
- (b) GARBAGE AND RECYCLABLES COLLECTION SERVICE. All garbage and recyclables collection service, herein designated the "Collector," shall be provided by the Village of Pardeeville by a contract as determined and approved by the Village Board.
- (c) REFUSE COLLECTION. The Village shall provide curbside collection of refuse on a schedule determined by the Village Board. Refuse shall be placed in an accessible location at the curbside no later than 7:00 a.m. on the day of scheduled collection.

#### SEC. 6-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

#### SEC. 6-3-3 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) BULKY WASTE. Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (b) COLLECTION. The act of removing solid waste from the storage area at the source of generation.
- (c) COLLECTION AREA. The back edge of curb and gutter along a paved

street or where the curb would be if the street or alley had curb and gutter.

- (d) DIRECTOR OF PUBLIC WORKS. The duly qualified and appointed person who is responsible for the administrative management of this Chapter and is responsible for the enforcement of those aspects of

this Chapter related to the protection of the health, safety and welfare, and the environment of the municipality.

- (e) DEMOLITION WASTES. That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from such action.
- (f) DISPOSAL. The orderly process of discarding useless or unwanted material.
- (g) DNR. The Wisconsin Department of Natural Resources.
- (h) DUMP. A land site where solid waste is disposed of in a manner that does not protect the environment.
- (i) DWELLING UNIT. A place of habitation occupied by a normal single family unit of a combination of persons who may be considered as equivalent to a single family unit for the purposes of this Chapter.
- (j) GARBAGE. Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.
- (k) HAZARDOUS WASTE. Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons or damage to property and the environment.
- (l) INDUSTRIAL WASTE. Means waste material directly resulting from an industrial process or manufacturing operation.
- (m) LITTER. Solid waste scattered about in a careless manner, usually rubbish.
- (n) NON-RESIDENTIAL SOLID WASTE. Solid waste from agricultural, commercial, industrial, or institutional activities or a building or group of buildings consisting of five (5) or more dwelling units.
- (o) PERSON. Individuals, firms, corporations, and associations, and includes the plural as well as the singular.
- (p) PRIVATE COLLECTION SERVICES. Collection services provided by a person licensed to do same by the DNR.
- (q) RECYCLABLES. Recyclables shall comply with guidelines set forth by the Columbia County Recycling Center to include the following:
  - (1) Glass Containers: Green, brown and clear glass bottles and jars which have been rinsed out, covers removed, separated by color and placed in bags.
  - (2) Metal Cans: Tin cans, aluminum cans, aluminum pie plates, etc. which have been rinsed out and placed in bags.
  - (3) Paper: Clean newspaper and mixed paper that has been put in grocery bags or bundled and tied.
  - (4) Plastics: Plastic bottles and containers made of either PET No. 1 or HDPE No. 2 which have been rinsed out and have had all caps and rings removed.
  - (5) Corrugated Cardboard: Corrugated cardboard shall be flattened and tied in bundles with appropriate twine.
- (r) REFUSE. Refuse shall include all waste material, except garbage,

rubbish, white goods and industrial waste, and shall by way of enumeration but not by way of limitation include yard wastes such as grass, leaves, sticks, brush, tree branches and logs, stumps, stones, cement, boards & garden debris.

- (s) RESIDENTIAL SOLID WASTE. MI solid waste that normally originates in a residential environment from residential dwelling units.
- (t) RESIDENTIAL UNIT. A single family home, duplex, townhouse, condominium or a building with four (4) or less dwelling units.
- (u) RUBBISH. Includes combustible and noncombustible waste material, except garbage, refuse and industrial waste, that is incidental to the operation of a building and shall include by way of enumeration but not by way of limitation, furniture, rags and sweepings.
- (v) SCAVENGING. The uncontrolled removal of materials at any point in solid waste management.
- (w) SOLID WASTE. Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
- (x) STORAGE. The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
- (y) STORAGE AREAS. Areas where persons place containers during non-collection days.
- (z) WHITE GOODS. Appliances such as clothes washers and driers, refrigerators, freezers, dishwashers, water heaters, furnaces, television sets, microwave ovens, conventional ovens and stoves and similar objects.

#### SEC. 6-3-4            STORAGE AND COLLECTION AREAS

Storage and collection areas shall be kept in a nuisance- and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other Village ordinances.

#### SEC. 6-3-5            APPROVED WASTE AND REFUSE CONTAINERS.

- (a) GENERAL CONTAINER STANDARDS. Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance- and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.
- (b) APPROVED CONTAINERS. Approved residential solid waste containers shall consist of metal or plastic containers with tight fitting

covers and suitable handles, commonly referred to as garbage cans, or plastic garbage bags which are closed by means of a tie. Approved containers shall be maximum thirty (30) gallon size. Containers including contents shall not exceed in weight that which one person can safely lift (forty [40] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage cans shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing. Each unit will be allowed to dispose of rubbish (not garbage) in small cardboard boxes (no more than nine [9] cubic feet in volume) provided the contents therein are covered and secured, as well as newspapers and magazines, as long as they are tied into bundles a maximum of ten (10) inches high. Should bundles, cardboard boxes and/or contents, because of weather conditions become wet and soaked, they will not be collected, but must be stored by the owner in an approved container for collection on the next collection day. Cardboard boxes will be considered disposable and will not be emptied and returned to the curb.

- (c) DEFECTIVE CONTAINERS. All garbage cans incapable of continuing to meet the definition of an approved container because of damage, loss of handles, or other factors, shall be tagged by the collection crew. The collection crew will also leave notification of the defects on the premises. Where garbage cans from several residential units are placed for collection at the same location, the garbage cans shall be identified with the address number so ownership can be determined.
- (d) ILLEGAL CONTAINERS. Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

#### SEC. 6-3-6

#### COLLECTION OF REFUSE.

- (a) PLACEMENT FOR COLLECTION. Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Refuse and bulky wastes from residential units shall likewise be placed in neat, orderly fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public street or alley. Residential units shall bring their solid waste to the public right-of-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collection day. Collection crews will not empty garbage cans by means other than dumping.

- (b) RESTRICTION ON TIME OF PLACEMENT. All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 6:00 p.m. of the evenings prior to the regular collection time the following day. All receptacles and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

SEC. 6-3-7                    PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.

- (a) UNDRAINED FOOD WASTES. It shall be unlawful to place any garbage or other food waste for collection unless it is well drained and deposited in plastic bags, each of which shall be tied and suitable for lifting and shall not exceed forty (40) pounds in weight.
- (b) ASHES. It shall be unlawful to place ashes for collection.
- (c) IMPROPER PLACEMENT. It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, alleys or public or private property within this municipality contrary to the provisions of this Chapter.
- (d) COMPLIANCE WITH CHAPTER. It shall be unlawful to store, collect, transport, transfer, recover, incinerate, or dispose of any solid waste within the boundaries of this locality contrary to the provisions of this Chapter.
- (e) IMPROPER TRANSPORTATION. It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall there from. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned, the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (f) INTERFERENCE WITH AUTHORIZED COLLECTOR. No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any unauthorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (g) SCAVENGING. It shall be unlawful for any person to scavenge any solid waste placed for collection.
- (h) PRIVATE DUMPS. It shall be unlawful for any person to use or operate a dump.
- (i) BURNING OF WASTE. It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.
- (j) NON-COLLECTABLE MATERIALS. It shall be unlawful for any person to place for collection any of the following wastes:
- (1) hazardous waste
  - (2) toxic wastes
  - (3) chemicals
  - (4) explosives or ammunition

- (5) flammable liquids
  - (6) large quantities of paint
  - (7) tires
  - (8) white goods.
- (k) HOSPITAL WASTES. It shall be unlawful for any person to place for collection any pathogenic hospital wastes.
- (1) BUILDING WASTE. All waste resulting from repair, remodeling, construction, or demolition of a building, roadway, or sidewalk shall be disposed of by the owner, builder or contractor.

SEC. 6-3-8                    GARBAGE ACCUMULATION; WHEN A NUISANCE.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 6-3-9                    REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited, for collection, any waste or refuse not generated within the corporate limits of the Village of Pardeeville.

SEC. 6-3-10                    ENFORCEMENT AND PENALTIES.

- (a) The collection and disposal of garbage and recyclables, as defined herein, shall be conducted under the supervision, direction and control of the Director of Public Works in strict conformity with the provisions of this Chapter and with such additional rules and revisions as may be made from time to time.
- (b) Any person, firm or corporation that violates or neglects to comply with any provision of this Chapter or any regulation promulgated pursuant thereto shall, upon conviction thereof, be punished by a fine of not less than Twenty-five (\$25.00) Dollars but not more than Five hundred (\$500.00) Dollars.

## CHAPTER 4

### Sanitary Waste Disposal Operation

- § 6-4-1 Sanitary Waste Disposal Operation
- § 6-4-2 Governing Authority
- § 6-4-3 Administration
- § 6-4-4 Specific Rules With Respect to Use of Site
- § 6-4-5 Amendments

#### SEC. 6-4-1            SANITARY WASTE DISPOSAL OPERATION.

- (a) ESTABLISHED. The continuance of a Sanitary Waste Disposal Operation jointly by the Villages of Pardeeville and Wyocena on land owned by the Villages of Pardeeville and Wyocena in Section Fifteen (15), Township Twelve North (12 N), Range Ten East (10 E), Columbia County, Wisconsin, is hereby confirmed and authorized pursuant to the provisions hereof.
- (b) NAME. The name of the operation, and the site on which it is carried on, shall be the "Pardeeville-Wyocena Disposal Site."
- (c) DEFINITIONS. "Municipalities," as used in this Chapter, shall mean the Villages of Pardeeville and Wyocena and the Town of Wyocena.

#### SEC. 6-4-2            GOVERNING AUTHORITY.

The site and the operation shall be operated under and pursuant to the laws of the State of Wisconsin and all applicable and lawful rules, regulations and orders of any department, board or commission of the State or Columbia County and relevant ordinances, rules, regulations and orders of the governing bodies of the Villages of Pardeeville and Wyocena and the Town of Wyocena.

#### SEC. 6-4-3            ADMINISTRATION.

Until otherwise provided, the following operating rules shall apply to the site and the operation thereof:

- (a) MANAGEMENT COMMITTEE. Subject to overriding control by the three (3) municipal governing bodies, the site and the business in relation thereto shall be operated and managed by a committee of three (3) to be known as the "Pardeeville Wyocena Disposal Site Management Committee," consisting of the President of the Village of Pardeeville, the President of the Village of Wyocena and the Chairperson of the Town of Wyocena, which Committee is hereby authorized and empowered to manage the site in accordance with governing authority and pursuant to these rules.
- (b) FISCAL MANAGEMENT. The Committee may receive and disburse any and all funds appropriated or otherwise paid to the Committee for all purposes related to operation of the site and the business in



connection therewith, is authorized to maintain a separate checking account for the purpose, from which disbursements shall be made by check, and until or unless otherwise changed by the Committee, those checks shall be signed, and shall be valid checks of the Committee, on signature of the President of the Village of Wyocena only.

- (c) COMMITTEE DECISION. All matters within the jurisdiction of the Committee to decide and handle shall be determined by majority vote of the Committee.
- (d) COSTS AND EXPENSES. The cost and expenses of operating the site and conducting all business in relation thereto and the operation thereof shall be shared by the three (3) operators in the following proportions:
  - (1) By the Village of Pardeeville, on-half ( $\frac{1}{2}$ );
  - (2) By the Village of Wyocena, one-fourth ( $\frac{1}{4}$ );
  - (3) By the Town of Wyocena, one-fourth ( $\frac{1}{4}$ );
- (e) FUNDING. In order to keep an operating fund on hand, the Committee may request the governing bodies of the three (3) operating municipalities to pay specific reasonable sums certain to the Committee from time to time, for which purpose the respective governing bodies are hereby authorized to appropriate;
- (f) OFFICERS. The Committee shall designate and maintain one of its members as chairman, who shall be recorded to the State on all license application and all other required reports as the responsible person for the State or any other supervising governmental authority to contact with respect to matters involving the operation;
- (g) PERMITS. The site shall at all times be operated under permits which may be required therefore;
- (h) AUTHORIZED USE. The site is, and shall be, operated exclusively for the benefit of residents of the three (3) operators, the municipalities themselves, and such contract haulers or added municipalities or persons, firms or corporations as the Management Committee may, by permit, authorize. Such permits may be granted by the Management Committee upon terms which are consistent herewith and for such consideration as the Committee may determine to be reasonable and adequate.
- (I) INSURANCE. The operating municipalities shall each maintain their own separate individual insurance coverage with respect to liability for damage to persons or property or otherwise as they severally may determine.
- (j) DELEGATION OF AUTHORITY. The Management Committee, having the authority to hire or enter into contracts with respect to the management of the site and the conduct of its business, may delegate authority at the site with respect to the manner in which contract haulers or members of the public may use the site, the manner and place of dumping materials and other items material to the orderly and proper use of the site for promotion of the public health, safety and welfare of the three (3) municipalities involved;
- (k) PROTECTION OF PREMISES. The site shall be surrounded by a woven wire fence of sufficient height to impede and control wind-blown material and to discourage trespassers and unauthorized personnel from coming onto the premises in which shall be provided one or more entrance and exit gates wide enough to accommodate motor vehicles and trucks which gates may also be padlocked during the time when the site is not open for use.

The Management Committee is authorized to adopt and post on the premises specific rules regulating the use of the premises for disposal purposes and to the extent so adopted and posted, the regulations shall stand applicable to such use. Until or unless or to the extent changed, altered or amended, the following rules, which shall also be posted on the site by the Management Committee, shall apply:

- (a) Every person using the site for disposal purposes shall, so far as applicable, comply with all the terms and provisions of this ordinance and the rules set forth herein and such subsequent and additional rules as the Management Committee may adopt and post and shall, while on the premises, obey such orders and directions as may be given by the attendant on duty pursuant to this Chapter and directions to him by the Management Committee, except to the extent that they may conflict with the rules as posted, in which case the posted rules shall govern;
- (b) No person, firm or corporation shall dispose of any type of material on the premises except where designated;
- (c) No person, firm or corporation shall use the site for disposal purposes except as authorized under the provisions of this ordinance;
- (d) No person, except employees or other authorized personnel, shall be upon the site within the fenced area except for the purpose of authorized use of the site for disposal purposes and then only during open hours;
- (e) Paper and similar combustible material shall, before being deposited, be bundled, bagged or securely tied so as not to be blown freely around the premises;
- (f) The attendant is authorized as a separate venture of his own to keep and sell on the premises appropriate plastic bags and similar containers which may be purchased by lawful users of the site for the purpose of bagging or bundling materials to be deposited;
- (g) The attendant shall take all reasonable measures to keep the premises free from rats and safe from fire;
- (h) The hours when the site shall be, and is hereby designated as, open for use by authorized persons for disposal purposes are as follows:
  - (1) On Wednesdays and Saturdays between the hours of 8:00 a.m. and 6:00 p.m.;
  - (2) On any other day and any hour thereof when the attendant is on duty and the entrance gate is open;
- (i) There shall be no open, indiscriminate burning of material nor shall there be burning by anyone other than the authorized attendant and then only on those rare occasions when, in his opinion, it is necessary for the proper management of the site and the promotion of the health, safety and welfare of the operators.
- (j) Special wastes, such as dead animals, hazardous materials, etc. shall be separated according to kind, nature and hazard and deposited apart from the general waste disposal area;
- (k) The site shall not be open for public use, nor use by the public or anyone else, except when an attendant is on duty.

Inasmuch as this Chapter, by adoption of the three (3) municipalities, is designed to govern the joint operation, it is hereby severally declared by each to be its stated and public purpose to be that amendments hereto will not be made by the governing bodies of the operators without having first members of the joint operation to the end that there may be one uniform ordinance in force in all three operating municipalities identical in terms applicable to the joint operation.

## TITLE 7

### Licensing and Regulation

Chapter	1	Licensing of Dogs, Cats and Regulation of Animals
Chapter	2	Fermented Malt Beverages and Intoxicating Liquor
Chapter	3	Pharmacists' Permits; Cigarette License
Chapter	4	Transient Merchants
Chapter	5	Regulation and Licensing of Amusement Arcades
Chapter	6	Mobile Homes
Chapter	7	Sauna and Massage Establishments - Repealed 09/06/11
Chapter	8	Regulation and Licensing of Fireworks
Chapter	9	Street Use Permits
Chapter	10	Day Care Centers and Nursery Schools
Chapter	11	Close-Out Sales
Chapter	12	Regulation of Alarm Systems
Chapter	13	Parade Permits
Chapter	14	Rummage/Garage Sales

## CHAPTER 1

### Licensing of Dogs, Cats and Regulation of Animals

§ 7-1-1	Dog and Cat Licenses Required; Definitions
§ 7-1-2	Rabies Vaccination Required for License
§ 7-1-3	Issuance of Dog, Cat and Kennel Licenses
§ 7-1-4	Late Fees
§ 7-1-5	Rabies Quarantine
§ 7-1-6	Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals
§ 7-1-7	Impoundment of Animals
§ 7-1-8	Dogs and Cats Restricted on Cemeteries <del>or Parks</del> Amended 6/17/14
§ 7-1-9	Duty of Owner in Cases of Dog or Cat Bite
§ 7-1-10	Animal Feces
§ 7-1-11	Injury to Property by Animals
§ 7-1-12	Barking Dogs or Crying Cats
§ 7-1-13	Prohibited and Protected Animals
§ 7-1-14	Sale of Artificially Colored Animals
§ 7-1-15	Providing Proper Food and Drink to Confined Animals
§ 7-1-16	Providing Proper Shelter
§ 7-1-17	Neglected or Abandoned Animals
§ 7-1-18	Cruelty to Animals and Birds Prohibited
§ 7-1-19	Trapping of Animals
§ 7-1-20	Penalties

#### SEC. 7-1-1      DOG AND CAT LICENSE REQUIRED; DEFINITIONS.

- (a) LICENSE REQUIRED. It shall be unlawful for any person in the Village of Pardeeville to own, harbor or keep any dog or cat more than five (5)

months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

(b) DEFINITIONS. In this Chapter, unless the context or subject matter otherwise require:

- (1) "Owner" shall mean any person owning, harboring or keeping a dog or cat, and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
- (2) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat shall be deemed to be upon the owner's premises.
- (3) "Dog" shall mean any canine, regardless of age or sex.
- (4) "Cat" shall mean any feline, regardless of age or sex.
- (5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative organs.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

SEC. 7-1-2

RABIES VACCINATION REQUIRED FOR LICENSE.

- (a) RABIES VACCINATION. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Pardeeville after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog re-vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.2 1(2), Wis. Stats.
- (b) ISSUANCE OF CERTIFICATE OF RABIES VACCINATION. A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the department stating the owner's name and address, the name, sex, spayed or un-spayed, neutered or un-neutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. Department of Health and Human Services and the city where the dog is required to be licensed.
- (c) COPIES OF CERTIFICATE. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is re-vaccinated, whichever occurs first.
- (d) RABIES VACCINATION TAG. After issuing the certificate of rabies

vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

- (e) TAG TO BE ATTACHED. The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) DUPLICATE TAG. The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) COST. The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.
- (h) CATS INCLUDED. All provisions of subsections (a) and (g) herein shall apply equally to all cats within the Village of Pardeeville.

#### SEC. 7-1-3

#### ISSUANCE OF DOG, CAT AND KENNEL LICENSES.

- (a) DOG LICENSES.
  - (1) It shall be unlawful for any person in the Village of Pardeeville to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
  - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
  - (3) The minimum license tax under this section shall be as stated in the State Statute No. 174.05(2)&(3).
  - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
  - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issue at all times.
  - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Village police or humane officer shall seize,

impound or restrain any dog for which a dog license is required which is found without such tag attached.

- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license tax and every person owning such a dog shall receive annually a free dog license from the Clerk-Treasurer upon application therefore.
- (8) All provisions of subsection (a)(1) through (6) herein which apply to dogs shall apply equally to cats.

(b) KENNEL LICENSES.

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as set forth in the WI Stats. 174.053. Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or Competition.

State Law Reference: Section 174.053, Wis. Stats.

SEC. 7-1-4            LATE FEES.

The Village Clerk-Treasurer shall assess and collect a late fee as set forth in WI Stats. 174.05(5) from every owner of a dog or cat five (5) months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age.

SEC. 7-1-5            RABIES QUARANTINE.

- (a) DOGS AND CATS CONFINED. If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed

or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village, notices of quarantine furnished by the department for posting.

- (b) EXEMPTION OF VACCINATED DOG OR CAT FROM VILLAGE QUARANTINE. A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) QUARANTINE OR SACRIFICE OF AN ANIMAL SUSPECTED OF BITING A PERSON OR BEING INFECTED OR EXPOSED TO RABIES.
  - (1) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
  - (2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) QUARANTINE OF DOG OR CAT.
  - (1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
  - (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
  - (3) Risk to animal health.
    - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or



confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) DELIVERY OF CARCASS; PREPARATION; EXAMINATION BY LABORATORY OF HYGIENE. An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.
- (f) COOPERATION OF VETERINARIAN. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the department, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) RESPONSIBILITY FOR QUARANTINE AND LABORATORY EXPENSES. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

SEC. 7-1-6

RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.

- (a) RESTRICTIONS. It shall be unlawful for any person within the Village

of Pardeeville to own, harbor or keep any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person or destroys property.
- (3) Is at large within the limits of the Village.
- (4) Habitually barks or howls to the annoyance of any person or persons. (See Sec. 7-1-1 2.)
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(b) VICIOUS DOGS AND ANIMALS.

- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period, it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided, may be seized by any person, and upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
- (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) ANIMALS RUNNING AT LARGE.

- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village ordinance to be licensed shall be seized and impounded by a humane officer or the Village Police.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(d) OWNER'S LIABILITY FOR DAMAGE CAUSED BY DOGS; PENALTIES. The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(e) Limitation on Number of Dogs & Cats: No more than three (3) dogs over five (5) months of age, or three (3) cats, over five (5) months of age, may be kept in one (1) household within the Village limits. A combination of no more than four (4) dogs and cats over five (5) months of age may be kept in one (1) household. The limitations of this Subsection shall not apply to dogs or cats that were legally licensed in 2007. However, any dogs or cats over the limitation of the

numbers of this ordinance that were legally licensed in 2007 and are sold, transferred, or otherwise disposed of shall not be replaced.  
(amended 3-20-07)

SEC. 7-1-7            IMPOUNDMENT OF ANIMALS.

- (a) IMPOUNDING OF ANIMALS. In addition, any penalty hereinafter provided for a violation of this Chapter, any Police or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.
- (b) CLAIMING ANIMAL; DISPOSAL OF UNCLAIMED ANIMALS. After seizure of animals under this Section by the Village Police or Humane Officer, the animal shall be impounded. The officer shall notify the owner personally or through the U. S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice, the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times the owner may reclaim the animal upon payment of Five (\$5.00) Dollars, plus an additional Two and 50/100 (\$2.50) Dollars for each day it remained in the Animal Shelter. No animal shall be released from the pound without being properly licensed if so required by state law.
- (c) SALE OF IMPOUNDED ANIMALS. If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (d) VILLAGE NOT LIABLE FOR IMPOUNDING ANIMALS. The Village shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

SEC. 7-1-8            DOGS AND CATS RESTRICTED ON CEMETERIES ~~OR PARKS.~~

**Amended 6/17/14**

No dog or cat shall be permitted in any public cemetery ~~or public park.~~ Every dog specially trained to lead blind persons shall be exempt from this Section.

SEC. 7-1-9            DUTY OF OWNER IN CASE OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat who knows

that such dog or cat has bitten any person shall immediately report such fact to the Police Department of the Village of Pardeeville and shall keep such dog or cat confined for not less than fourteen (14) days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a Village Police Officer or the Humane Officer upon demand for examination.

SEC. 7-1-10            ANIMAL FECES.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed there from by said owner or person in charge. This Section shall not apply to a person who is visually, physically handicapped or to horses when used as a mode of transportation.

SEC. 7-1-11            INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises, and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

SEC. 7-1-12            BARKING DOGS OR CRYING CATS.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

SEC. 7-1-13            PROHIBITED AND PROTECTED ANIMALS.

(a)    PROTECTED ANIMALS.

- (1)    Possession and Sale of Protected Animals. It shall be unlawful for any person, firm, or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonina mydas*), Mexican ridley turtle (*lepidochelys kempi*).
- (2)    Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird,

amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 9 1st Congress).

- (3) Regulating the importation of certain birds. No person, firm, or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl, or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) EXCEPTIONS. The provisions of Subsection (a) above shall not be deemed to prevent the importation, possession, purchase, or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) WILD ANIMALS; PROHIBITION ON KEEPING. It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals:
  - (1) All poisonous animals and reptiles including rear-fang snakes.
  - (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
  - (3) Baboons (Papoi, Mandrillus).
  - (4) Bears (Ursidae).
  - (5) Bison (Bison).
  - (6) Cheetahs (Acinonyx jubatus).
  - (7) Crocodilians (Crocodylia), thirty (30) inches in length or more.
  - (8) Constrictor snakes, six (6) feet in length or more.
  - (9) Coyotes (Canis latrans).
  - (10) Deer (Cervidae); includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
  - (11) Elephants (Elephas and Loxodonta).
  - (12) Game cocks and other fighting birds.
  - (13) Hippopotami (Hippopotamidae).
  - (14) Hyenas (Hyaenidae).
  - (15) Jaguars (Panthera onca).
  - (16) Leopards (Panthera pardus).
  - (17) Lions (Panthera leo).
  - (18) Lynxes (Lynx).
  - (19) Monkeys, old world (Cercopithecidae).
  - (20) Ostriches (Struthio).
  - (21) Piranha fish (Characidae).
  - (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.

- (23) Rhinoceroses (Rhinocero tidae).
- (24) Sharks (class Chondrichthyes).
- (25) Snow leopards (Panthera uncia).
- (26) Tigers (Panthera tigris).
- (27) Wolves (Canis lupus).
- (28) Poisonous insects.
- (29) Domesticated Animals; Prohibition on Keeping, except in a properly zoned Conservancy or Agricultural District. It shall be unlawful for any person to keep, harbor or have in his or her possession or control within the limits of the Village of Pardeeville, any horse, mule, donkey, pony, cow, pig, goat, sheep or any animal raised for fur bearing purposes.(adopted 07-20-04)
- (30) Domesticated Fowl; Prohibition on Keeping, except in a properly zoned Conservancy or Agricultural District. It shall be unlawful for any person to keep, harbor or have in his or her possession or control within the limits of the Village of Pardeeville, any chickens, ducks, geese, turkeys, pheasant or other domesticated fowl.(adopted 11-16-04)
- (d) PET SHOPS. The provisions of Subsection (c) above shall not apply to licensed pet shops, zoological gardens and circuses, if:
  - (1) Their location conforms to the provisions of the zoning ordinance of the Village.
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - (3) Animals are maintained in quarters so constructed as to prevent their escape.
  - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

SEC. 7-1-14            SALE OF ARTIFICIALLY COLORED ANIMALS.

No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

State Law Reference: Section 948.11, Wis. Stats.

SEC. 7-1-15            PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Section 948.13, Wis. Stats.

SEC. 7-1-16

PROVIDING PROPER SHELTER.

- (a) PROPER SHELTER. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) INDOOR STANDARDS. Minimum indoor standards of shelter shall include:
  - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
  - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) OUTDOOR STANDARDS. Minimum outdoor standards of shelter shall include:
  - (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (2) Shelter from inclement weather.
    - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) SPACE STANDARDS. Minimum space requirements for both indoor and outdoor enclosures shall include:
  - (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) SANITATION STANDARDS. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Section 948.14, Wis. Stats.

SEC. 7-1-17

NEGLECTED OR ABANDONED ANIMALS.

- (a) No person may abandon any animal.
- (b) Any law enforcement officer may remove, shelter and care for animal found to be cruelly exposed to the weather, starved or denied

adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

- (c) If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within five (5) days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (d) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (e) Section 948.16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

State Law Reference: 948.15, 948.16 and 948.17, Wis. Stats.

SEC. 7-1-18            CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

No person except a police officer or health or humane officer in the pursuit of his duties, shall within the Village shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

SEC. 7-1-19            TRAPPING OF ANIMALS.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on land within the Village of Pardeeville to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping within the confines of buildings or homes.
- (e) Nothing in this Section shall prohibit or hinder the Village of Pardeeville or its employees or agents from performing their official duties.

SEC. 7-1-20            PENALTIES.



- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18 or 7-1-19, shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars and not more than Two Hundred (\$200.00) Dollars. This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this ordinance.
- (b)
  - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five(\$25.00) Dollars and not more than Two Hundred (\$200.00)Dollars for the first offense and not less than One Hundred(\$100.00) Dollars and not more than Four Hundred (\$400.00)Dollars for any subsequent offenses.
  - (2) Refusal to comply with order or quarantine. An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars for the first violation and not less than Fifty (\$50.00) Dollars and not more than Two Hundred (\$200.00) Dollars for subsequent violations.

## CHAPTER 2

### Fermented Malt Beverages and Intoxicating Liquor

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## **ARTICLE A**

### Fermented Malt Beverages and Intoxicating Liquor

#### SEC. 7-2-1            STATE STATUTES ADOPTED.

The provisions of Chapter 125 and Sections 48.344 and 778.25, of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.

#### SEC. 7-2-2            DEFINITIONS.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

#### SEC. 7-2-3            LICENSE REQUIRED.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

#### SEC. 7-2-4            CLASSES OF LICENSES.

- (a) RETAIL CLASS "A" INTOXICATING LIQUOR LICENSE. A retail Class "A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers, and to be consumed off the premises so licensed.
- (b) RETAIL CLASS "B" INTOXICATING LIQUOR LICENSE. A retail Class "B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed, and in the

original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.

- (c) CLASS "A" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk- Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold, and in the original packages, containers or bottles.
- (d) CLASS "B" FERMENTED MALT BEVERAGE RETAILER'S LICENSE. A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half of a percentum of alcohol by volume, without obtaining a special license to sell such beverages.
- (e) SPECIAL CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSE.
  - (1) A special Class "B" Picnic license, when issued by the Village Clerk-Treasurer under authority of the Village Board, as provided for in sec. 125.26(6), Wis. Stats., shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages at a particular picnic, post meeting, fair or similar gathering. Such license may be issued only to bona fide clubs, state, county or local fairs, associations or agricultural societies, lodges or societies that have been in existence for not less than six months prior to the date of application for such license or to posts of ex-servicemen's organizations now or hereafter established. Such license is valid for dates as approved by the Village Board.
  - (2) Application. Application for such license shall be signed by the president or corresponding officer of the society making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered. Such license shall be valid for no more than four (4) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.  
(6/16/98) (01-21-03)
  - (3) Conditions. The applicant is required to present a detailed plan as to where the fermented malt beverage is to be dispensed. Such plan is subject to the review and approval by the Police Department. The applicant must agree to fence the area where fermented malt beverages are being dispensed to prevent underage persons from obtaining fermented malt beverages. The fencing must be approved by the Police Department and will be subject to inspection. The type of fermented malt beverage must be identified in the application. The applicant is required to provide color coding to be used to prevent underage persons from obtaining fermented malt beverages. The type of color coding

must be explained in detail in the application. The application must set forth the time the "beer tent" will be in operation including the time the serving of fermented malt beverages will cease and when the tent will be closed and cleared. The application shall state who shall be responsible for the clean up and at what time the clean up will occur after the event is completed. (6/16/98)

- (4) The Village Board may waive or modify the requirements of this section due to the physical characteristics of the license site or the nature of the event. (4/20/99)
- (f) WHOLESALER'S LICENSE. A Wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.

SEC. 7-2-5            LICENSE FEES. Amended 01-21-03

License fees as set forth in Section 1-1-8 shall be chargeable for licenses issued by the Village Board:

SEC. 7-2-6            APPLICATION FOR LICENSE.

- (a) CONTENTS. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Sections 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) CORPORATIONS. Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, if a corporation.
- (c) PUBLICATION. The application shall be published at least once in the official Village newspaper, and the costs of publication shall be paid by the applicant.
- (d) AMENDING APPLICATION. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.

SEC. 7-2-7            QUALIFICATIONS OF APPLICANTS AND PREMISES.

- (a) RESIDENCE REQUIREMENTS. A retail Class "A" or retail Class "B" fermented malt beverage or intoxicating liquor license shall be granted only to persons who are citizens of the United States and of Wisconsin.
- (b) APPLICANT TO HAVE MALT BEVERAGE LICENSE. No retail Class "B"

intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.

- (c) RIGHT TO PREMISES. No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) AGE OF APPLICANT. No Class "A" or "B" licenses shall be granted to any person under nineteen (19) years of age.
- (e) CORPORATE RESTRICTIONS.
  - (1) No license shall be granted to any corporation which does not comply with the provisions of Sec. 125.04(6), Wis. Stats., which does not have an agent eligible for a license under this chapter or under state law, or which has more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation held by any person or persons not eligible for a license under this chapter or under the state law.
  - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within 48 hours after such transfer of stock.
  - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Section 125.12, Wis. Stats., when more than fifty (50%) percent of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) SEPARATE LICENSES. A separate license shall be required for each business premises where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale.
- (g) LICENSE QUOTAS.
  - (1) Class B Fermented Malt Beverage and Intoxicating Liquor Licenses. The Village shall be limited to the issuance of five (5) licenses during one license year.

#### SEC.7-2-8

#### INVESTIGATION.

The Village Clerk-Treasurer shall notify the Chief of Police, Chief of the Fire Department, and Building Inspector of each new application and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

SEC. 7-2-9      APPROVAL OF APPLICATION.

- (a) In determining the suitability of an applicant, consideration shall be given to the moral character and financial responsibility of the applicant, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- (b) No license shall be granted for operation on any premises or with any equipment which taxes or assessments or other financial claims of the Village are delinquent and unpaid.
- (c) No license shall be issued unless the premises conform to the sanitary, safety, and health requirements of the State Building Code, and the regulations of the State Board of Health and Village Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all ordinances of the Village.

SEC. 7-2-10      GRANTING OF LICENSE

Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.

SEC. 7-2-11      TRANSFER AND LAPSE OF LICENSE. Amended 01-21-03

- (a) In accordance with the provisions of Section 125.04(12), Wis. Stats., a license shall be transferable from one premise to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is set forth in Section 1-1-8. Whenever a license is transferred the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer.
- (b) Whenever the agent of a corporate holder of a license, for any reason, replaced, the licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefore and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting or the Village Board until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.

SEC. 7-2-12

NUMBERING OF LICENSE.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee. The Village Clerk-Treasurer shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

SEC. 7-2-13

POSTING LICENSES; DEFACEMENT.

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.
- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

SEC. 7-2-14

CONDITIONS OF LICENSE.

All retail Class "A" and "B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other ordinances and regulations of the Village applicable thereto:

- (a) CONSENT TO ENTRY. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) EMPLOYMENT OF MINORS. No retail Class "B" licensee shall employ any person under nineteen (19) years of age, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) DISORDERLY CONDUCT PROHIBITED. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) LICENSED OPERATOR ON PREMISES. There shall be upon premises operated under a Class "B" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he possesses an operator's license, who is at the time of such service upon said premises.
- (e) HEALTH AND SANITATION REGULATIONS. The rules and regulations of the



State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses issued under this chapter. No Class "B" license shall be issued unless the premises to be licensed conform to such rules and regulations.

- (f) RESTRICTIONS NEAR SCHOOLS AND CHURCHES. No retail Class "A" or Class "B" license shall be issued for premises the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building.

Annotation: See *Colonnade Catering Corp. v. United States*, 397 U.S. 72, 90 S.Ct. 774 (1970) and *State v. Erickson*, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

**SEC. 7-2-15**      **CLOSING HOURS.**      (amended 11/18/14)

- (a) No premises in the Village of Pardeeville for which a "Class B" Intoxicating Liquor and Fermented Malt Beverages License for the sale of alcoholic beverages has been issued, shall be permitted to remain open between the hours of 2:00 a.m. and 6:00 a.m., except on Saturday and Sunday, no premises may remain open between the hours of 2:30 a.m. and 6:00 a.m. However, on January 1, premises operating under a Class B License are not required to close.
- (b) (1) No premises holding a Class "A" or Class "B" fermented malt beverages license nor the holder of a license permitting such premises or holder to sell, deal and traffic in fermented malt beverages nor any person on such premises, whether or not such person holds an operator's license pursuant to Section 125.17 of the Wisconsin Statutes, as amended, shall sell, vend, barter, exchange, offer for sale, give away or otherwise furnish to any person any fermented malt beverages in original packages, intending to mean aluminum/tin cans, bottles, barrels or any containers in which the beverages have been delivered to the premises, between the hours of 12:00 a.m. midnight and 8:00 a.m. daily.
- (2) No person shall sell, vend, barter, exchange, offer for sale, give away or otherwise furnish to any person any intoxicating liquor in original packages, intending to mean aluminum/tin cans, bottles, barrels or any containers in which the beverages have been delivered to the premises, between the hours of 9:00 p.m. and 8:00 a.m.
- (c) Closing hours may be modified for specific events by majority vote of the Village Board.

- (a) GENERAL CONDITIONS OF LICENSE. Groups that have been granted a special Class "B" fermented malt beverage license shall comply with the following conditions of license:
- (1) Licensed Operators. There shall be at least one person properly licensed as an operator under the provisions of Article B of this Chapter on the premises at all times to supervise the service of beverages.
  - (2) Compliance With Laws. Holders of special Class "B" fermented malt beverage licenses shall fully comply with all provisions of this Code and the state statutes.
  - (3) Suitable Facilities. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
  - (4) Posting of License. The special Class "B" fermented malt beverage license shall be posted in a conspicuous place and shall specify the date(s) and hours for which said license is issued.
  - (5) Insurance. The applicant for a Special Class "B" Fermented Malt Beverage License may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Pardeeville. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (b) REGULATIONS CONCERNING THE SALE OR DRINKING OF FERMENTED MALT BEVERAGES IN PARKS.
- (1) All organizations issued a license under 7-2-4(e) of the Code of Ordinances shall post in a conspicuous location at the main point of sale facility and at all remote sales facilities, a sufficient number of signs disclosing that no fermented malt beverage shall be served to any underage person or without proper age identification.
  - (2) All organizations shall install a double fence around the main point of sale facility to control ingress and egress and shall station a licensed operator or police officer at the entrance after 9:00 p.m. for the purpose of checking age identification.
  - (3) The sale of fermented malt beverages from remote sites, that is, other than the main point of sale facility, shall be prohibited after the hour of 9:00 p.m.
  - (4) No underage persons shall be allowed to assist in the sale of fermented malt beverages at any point of sale, nor shall they be allowed to loiter or linger in the area of any remote sale facility.
  - (5) A licensed operator shall be stationed at all points of sale at all times.

- (6) No more than six (6) operators' licenses shall be issued in conjunction with the issuance of the Special Class "B" License, unless the Village Board, for good cause shown, elects to issue additional operators licenses, not to exceed eight (8) in total

SEC. 7-2-17

BEER GARDEN LICENSES REQUIRED FOR OUTDOOR CONSUMPTION  
AT CLASS "B" PREMISES.

- (a) REQUIRED FOR OUTDOOR CONSUMPTION. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the Village Board. The permits are a privilege in which no rights vest and therefore may be revoked by the Village Board at its pleasure at any time, or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premise which is not described in a valid Beer Garden permit.
- (b) LIMITATIONS ON ISSUANCE OF BEER GARDEN PERMITS. No permit shall be issued for a Beer Garden if any part of the Beer Garden is within one hundred (100) feet of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. No permit shall be issued for a Beer Garden if the Beer Garden area is greater than fifty (50%) percent of the gross floor area of the adjoining licensed premises. Each applicant for a Beer Garden permit shall accurately describe the area intended for use as a Beer Garden and shall indicate the nature of fencing or other measures intended to provide control over the operation of the Beer Garden. Every Beer Garden shall be completely enclosed with a fence or wall not less than six (6) feet in height. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted in the Beer Garden. There shall be a licensed operator with the Beer Garden at all times the Beer Garden is in operation.
- (c) ADJOINING PROPERTY OWNERS TO BE NOTIFIED OF PENDENCY OF APPLICATIONS. All property owners within one hundred (100) feet of the proposed beer garden shall be notified of the pendency of application for a beer garden permit by first class mail.
- (d) STATE STATUTES ENFORCED WITHIN BEER GARDEN. Every permittee under this Section shall comply with and enforce all provisions of Ch. 125, Wis. Stats., applicable to Class "B" licensed premises, except insofar as such provisions are clearly inapplicable. Violation of the provisions of Ch. 125, Wis. Stats. shall be grounds for immediate revocation of the Beer Garden permit by the Village Board.

SEC. 7-2-18

REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL.

Amended 5-20-14 and 11-18-14

- (a) PROCEDURE. Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 9, Chapter 5 of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.

- (b) ABANDONMENT OF PREMISES. Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of an alcohol beverage license. The closing of the licensed premises for at least six (6) months shall be prima facie evidence of an abandonment, unless extended by the Village Board.
- (c) LICENSE REVOCATION OR SUSPENSION.
- (1) Notice and Hearing. Whenever a person holding a license to sell alcoholic beverages has failed to maintain the premises according to standards prescribed for sanitation, or in whose premises persons are permitted to loiter for purposes of prostitution, or that the licensee has not observed and obeyed any lawful order of the Village Board or police officers of the Village has violated Village ordinances, or for any other good reason, the Village Board shall issue a summons, to be signed by the Clerk-Treasurer, commanding the licensee complained of to appear before the Public Protection Committee or a special committee designated by the Village Board on a day and time and at a place named in the summons to show cause why the license should not be revoked or suspended. Such summons shall be served not less than three (3) and not more than ten (10) days before the time at which the licensee is commanded to appear, and may be served personally upon the licensee or the agent of the licensee or upon the person in charge of the licensed premises. The complaint shall be served with the summons and shall set forth the offense allegedly committed, the date, and place of said offense, and the facts constituting the alleged offense. If such licensee shall not appear as required by the summons, the complaint shall be taken as true, and if the Committee deems its allegations sufficient, the Committee shall recommend revocation or suspension of the license as provided herein.
- (2) Procedure on Hearing; Effect of Revocation.
- a. The Public Protection Committee or a designated committee shall serve as a hearing agency for the Village Board.
- b. The Chairman of the Committee, or the Chair's designee, shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practical, the rules of evidence provided in Sec. 227.08, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges to a preponderance of the evidence. The licensee and the complainant may be represented by counsel, may call and examine witnesses and cross-examine witnesses of the other party. All proceedings and testimony shall be recorded and transcribed. If either party requests a stenographic recording and transcription, the Village shall make the necessary arrangements, but the expenses shall be borne by the requesting party. The Clerk/Recorder shall serve as secretary to the Committee and shall mark and receive all exhibits admitted into the record.
- c. Within ten (10) days of the completion of the hearing and filing of briefs, if any, the Committee, upon the testimony and evidence presented at the hearing, shall

determine by simple majority vote of those present whether the charges are true and if so, submit a report to the Village Board including its findings of fact, conclusions of law and a recommendation as to what action, if any, the Village Board should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Village Board. The Village Board shall determine whether the arguments shall be presented orally or in writing or both. If the Village Board, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked. If the recommendation is to suspend the license, it shall be for a period of not less than ten (10) days or more than ninety (90) days; in like manner, the recommendation may be to revoke the license. If the Committee determines that the charges are not substantiated, it shall recommend to the Village Board that the complaint be dismissed without cost to either party. The Committee's recommendation shall be promptly filed with the Clerk-Treasurer. The Clerk-Treasurer shall prepare five (5) copies of the transcript of the proceedings, all exhibits and the recommendation of the Committee.

- d. At the regular meeting of the Village Board after the filing of the Committee's recommendation, the Village Board shall act on the recommendation. The recommendation of the Committee shall become the decision of the Village Board unless reversed. Only those members of the Village Board who have certified to the Clerk-Treasurer in writing that they have read the transcript, exhibits and recommendation made shall be permitted to vote on the matter. The Clerk-Treasurer shall make the said certifications a part of the record. The decision of the Village Board shall be a final determination for purposes of judicial review.
- e. If the complaint is found to be true, the licensee shall pay to the Village the actual cost of the proceedings. If the complaint is found by the Village Board to be malicious and without probable cause, the complainant shall pay the cost of the proceedings in the same amount.
- f. When a license is revoked it shall be so entered of record by the Clerk-Treasurer, and no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of the revocation, nor shall any part of the money paid as application fee for any license so revoked be refunded.

(d) NONRENEWAL OF LICENSE. The Village Attorney may, after investigation, commence an action before the Public Protection Committee to hear evidence and make a recommendation to the Village Board that a

license issued pursuant to this Chapter not be renewed. The Chairman of the Committee shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subsection (c) above shall apply. The commencement of this action shall stay action by the Village Board on the licensee's application until the Committee makes its recommendation.

- (e) OTHER PROVISIONS. Any license issued pursuant to this Chapter shall be subject to such further regulations and restrictions as may be imposed by the Village Board by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this Chapter in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- (f) POINT VALUES FOR ALCOHOL BEVERAGE VIOLATIONS AND REVOCATIONS AND SUSPENSIONS.

- (1) Purpose and Definitions. The purpose of this Subsection is to administratively interpret those portions of this Chapter and Title 9, Chapter 5 of this Code of Ordinances, relating to establishing an alcohol beverage demerit point system to assist in determining which license holders should be subject to suspension or revocation procedures.
- (2) Point Schedule. The scale of demerit points is listed according to the type of alcohol beverage violation. This demerit point system is used to identify habitually troublesome license holders who have repeatedly violated state statutes and Village ordinances, for the purpose of recommending suspension or revocation of their alcohol beverage licenses.
- (3) The use of this point system and the imposition and calculation of points shall be at the discretion of the Public Protection Committee and/or Village Board.

<u>Type of Violation</u>	<u>Point Value</u>
1. Sale of Alcohol Beverages Without License or Permit	100
2. Sale of Alcohol Beverages to Underaged Person	50
3. Sale of Alcohol Beverages to Intoxicated Person	50
4. Underaged Person on Premises	50
5. Intoxicated Bartender	50
6. After Hours Consumption	50
7. Refusal to Allow Police to Search Premises or Refusal to Cooperate with Lawful Police Investigation	50
8. Licensee, Agent or Operator to be on Premises at All Times	25

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|-----|--|----|
| 9.  | On Premises after Closing Hours  | 25 |
| 10. | No Carry-Out, Restricted to<br>Appropriate Hours                                   | 25 |
| 11. | Permit Person to Leave Licensed Premises<br>With Open Alcohol Beverage             | 25 |
| 12. | Disorderly Conduct as defined in Ord. 9-2-10                                       | 25 |
| 13. | All Other Violations of Chapter 125 and<br>Title 7 Section 2 of Village Ordinances | 25 |
- (4) Any warning issued by local law enforcement or a Village Official for any of the above violations shall be counted as one-half of the points specified for that violation.
- (5) VIOLATIONS, HOW CALCULATED. In determining the accumulated demerit points against a license within twelve (12) months, the Village shall use the date each violation was committed as the basis for the determination.
- (6) SUSPENSION OR REVOCATION OF LICENSE.
- (a) The Public Protection Committee of the Village Board shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated 100 points in a twelve (12) month period as a result of court imposed convictions.
- (b) If the demerit point accumulation, calculated from the date of violation, exceeds 100 points in a twelve (12) month period, 150 points in a twenty-four (24) month period or 200 points in a thirty-six (36) month period, the suspension shall be for not less than ten (10) days nor more than ninety (90). If the license(s) is revoked, no other license shall be granted to such licensee or for such premises for a period of twelve (12) months from the date of revocation.
- (c) The procedure to be used for suspension or revocation shall be that found in Subsection (c) above.

SEC. 7-2-19      NUDE DANCING PROHIBITED

- (a) NUDE DANCING IN LICENSED ESTABLISHMENT PROHIBITED. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
- (1) Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
  - (2) Shows any portion of the female breast below a point immediately above the top of the areola; or
  - (3) Shows the covered male genitals in a discernably turgid state.
- (b) EXEMPTIONS. The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to

provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

- (c) DEFINITIONS. For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Village Board of the Village of Pardeeville to sell alcohol beverages pursuant to CH. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B", "Class B", "Class A", or "Class C" license granted by the Village Board of the Village of Pardeeville pursuant to CH. 125, Stats.
- (d) PENALTIES. Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to forfeiture of not less than \$500.00, and not more than \$1,000.00 per violation. A separate offense and violation shall be deemed committed on each day on which violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under SEC. 125.12, Stats.
- (e) SEVERABILITY. If this section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections, shall not be affected.
- (f) EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication as required by law. (4/20/99)



**Article B**  
Operator's License

SEC. 7-2-20      TYPES OF OPERATOR LICENSES. (amended 1-15-08)

- (a) Annual. A full-year license is issued from date of approval by the Village Board through June 30th, as per 7-2-22.
- (b) Provisional. A provisional license may be issued by the Village Clerk/Treasurer, for a period of 60 days, to persons who provide written evidence of enrollment in the Alcohol Awareness Training Program. When the applicant has successfully completed the Alcohol Awareness Training Program, the license will be extended as an annual license as under (a). A Provisional License shall be issued by the Village Clerk/Treasurer to a person who, at the time of application for an Operator's License, files a certified copy of a valid Operator's License issued by another municipality.
- (c) Temporary. A temporary license may be issued, upon approval of the Village Board, for a period from one to fourteen days, to persons employed by or donating their services to nonprofit organizations. Applicants are limited to one such license per year.

SEC. 7-2-21      PROCEDURE UPON APPLICATION

- (a) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on blanks to be obtained from the Village Clerk-Treasurer only to persons eighteen (18) years of age and older. Operator's licenses shall be operative only within the limits of the Village.
- (b) All applications for an operators license must be received no later than five (5) working days prior to the Public Protection Committee meeting. Said Committee shall review each application for license and make a formal recommendation to the Village Board.
- (c) No license shall be issued until approved by the Village Board.

SEC. 7-2-22      DURATION

Licenses issued under the provisions of this Chapter shall be valid for a period of one year and shall expire on the thirtieth day of June.

SEC. 7-2-23      FEE amended 01-21-03

The fee for an operator's license shall be set forth in Section 1-1-8.

SEC 7-2-24      ISSUANCE

After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.

SEC. 7-2-25.      DISPLAY OF LICENSE.

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages.

SEC. 7-2-26      REVOCATION OF OPERATOR'S LICENSE

Violation of any of the terms or provisions of the State law of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

SEC. 7-2~27      ALCOHOL AWARENESS PROGRAM

- (a) Applicants for an annual operator license shall be certified as having successfully completed the state-approved Alcohol Awareness Training Program.
- (b) Applicants for Class A and B liquor, Class A and B malt beverage and manager's licenses, who apply after 11/1/94 and who have not previously held such license, shall be certified as having successfully completed the state-approved Alcohol Awareness Training Program.
- (c) Nothing contained herein shall be construed as authorizing or permitting the sale of any beverages which shall be prohibited by the laws of the State of Wisconsin.

SECS. 7-2-28 THROUGH 7-2-29 RESERVED.

**ARTICLE C**  
Penalties

SEC. 7-2-30      PENALTIES.

- (a) Forfeitures for violations of Sections 125.07(1) - (5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Village of Pardeeville, Wisconsin, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Village of Pardeeville, Wisconsin, except as otherwise provided in subsection (a) herein, or who shall conduct any activity of make any sale for which a license is required without such license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Pardeeville, Wisconsin.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

### CHAPTER 3

#### Pharmacists' Permits; Cigarette License

§ 7-3-1                      Pharmacists' Permits.  
§ 7-3-2                      Cigarette License

#### SEC. 7-3-1                      PHARMACISTS' PERMITS. Amended 01-21-03

- (a) A permit for the sale of intoxicating liquor pursuant to section 125.57 of the Wisconsin Statutes may be granted to a registered pharmacist upon action by the Village Board. A separate application for each premise shall be made to the Village Clerk-Treasurer upon forms provided by him.
- (b) Upon the approval of the application by the Village Board, the Village Clerk-Treasurer shall assess a permit fee as set forth in Section 1-1-8 and issue to the applicant a permit.
- (c) Each permit shall be numbered in the order in which issued and shall specifically state the premises for which issued, the fee paid and the name of the licensee.

State Law Reference: Section 125.57, Wis. Stats.

#### SEC. 7-3-2                      CIGARETTE LICENSE Amended 01-21-03

- (a) LICENSE REQUIRED. No person, firm or corporation shall in any manner, directly or indirectly, upon any premises, or by any device sell, exchange, barter, dispose of, or give away, or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefore, without first obtaining a license as hereinafter provided.
- (b) APPLICATION FOR LICENSE; FEE. Every person, firm or corporation desiring a license under this Section shall file with the Village Clerk-Treasurer a written application therefore, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee as set forth in Section 1-1-8.
- (c) ISSUANCE AND TERM OF LICENSE. Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefore shall be issued by the Village Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th, unless sooner revoked for any violation of this Section.

State Law Reference: Section 134.65, Wis. Stats.

## CHAPTER 4

### Transient Merchants

- § 7-4-1 Registration Required
- § 7-4-2 Definitions
- § 7-4-3 Exemptions
- § 7-4-4 Registration
- § 7-4-5 Investigation
- § 7-4-6 Appeal
- § 7-4-7 Regulation of Transient Merchants
- § 7-4-8 Records
- § 7-4-9 Revocation of Registration

#### SEC. 7-4-1            REGISTRATION REQUIRED.

It shall be unlawful for any transient merchant to engage in sales within the Village of Pardeeville without being registered for that purpose as provided herein.

#### SEC. 7-4-2            DEFINITIONS. Amended 5-21-13

In this ordinance:

- (a) TRANSIENT MERCHANT means any individual who engages in the retail sale of merchandise at any place in this state temporarily and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, "sale of merchandise" includes a sale in which the personal services rendered upon or in connection with the merchandise constitute the greatest part of value for the price received.
- (b) PERMANENT MERCHANT means any person who, for at least six months prior to the consideration of the application of this Chapter to the merchant:
  - (1) Has continuously operated an established place of business in Columbia County; or
  - (2) Has continuously resided in Columbia County and now does business from his/her residence.
- (c) MERCHANDISE shall include personal property of any kind, and shall include merchandise, goods or materials provided incidental to services offered or sold.
- (d) CHARITABLE ORGANIZATION shall include any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) CLERK-TREASURER shall mean the Village of Pardeeville Clerk-Treasurer, and/or such other person designated by the Village Board.

#### SEC. 7-4-3            EXEMPTIONS. Amended 5-21-13

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

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes or any sales conducted by school children.
- (b) Any person selling merchandise at wholesale to dealers in such merchandise.
- (c) Any person selling agricultural products which the person has grown unless such sales are made door-to-door.
- (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 merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by the 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 merchandise.
- (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 transient sales for or on behalf of the organization, provided that there is submitted to the Clerk-Treasurer proof that such charitable organization is registered under sec. 440.42, Wis. Stats. and proof from the charitable organization that the individual is authorized to conduct sales or solicitations on its behalf, specifying whether sales or solicitations, or both are authorized. Any charitable organization not registered under sec. 440.42, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.
- (j) Any person who claims to be a permanent merchant but against whom complaint has been made to the Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Clerk-Treasurer proof that such person has leased for at least six months, or purchased the premises from which he/she has conducted business in the market area for at least six months prior to the date complaint was made.
- (k) Transient Merchants selling at community events held by local charitable or non-profit organizations such as schools, churches and clubs, will only be required to submit their name, permanent address and telephone number. No fee required.

SEC. 7-4-4      REGISTRATION. Amended 5-21-13

- (a) Applicants for registration must complete and return to the Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
  - (1) Name, address, date of birth, phone number, and/or copy of photo ID.
  - (2) Nature of business to be conducted and a brief description of the merchandise and any services offered.

(b) LICENSE REGISTRATION FEE.

- (1) At the time registration is returned, a fee as set forth in Section 1-1-8 shall be paid to the Clerk/Treasurer to cover the cost of processing the registration.
- (2) Upon payment of said fee and background check completed, said permit shall be valid from date of issuance to December 31st of the year the permit is issued.

SEC. 7-4-5                    INVESTIGATION. Amended 5-21-13

- (a) The Clerk-Treasurer 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 most recent cities, villages and towns in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in transient selling; or the applicant failed to comply with any applicable provision of 7-4-4(b) above.

SEC. 7-4-6                    APPEAL. Amended 5-21-13

Any person refused or denied registration may appeal the denial through the appeal procedure.

SEC. 7-4-7                    REGULATION OF TRANSIENT MERCHANTS.

(a) PROHIBITED PRACTICES.

- (1) A permanent/transient merchant shall be prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A permanent/transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any goods offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents.
- (3) No permanent/transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No permanent/transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one-hundred (100) foot radius of the source.
- (5) No permanent/transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.

- (6) No permanent/transient merchant shall state or imply that the fact of registration by a charitable organization with the State of Wisconsin, or the issuance by the Village of a permit for sales under this section, constitutes an endorsement or approval by the state or the Village.
- (b) DISCLOSURE REQUIREMENTS.
  - (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
  - (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of 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 \$25.00, in accordance with the procedures as set forth in sec. 423.203, Wis. Stats. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
  - (3) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall at the time the order is taken provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

SEC. 7-4-8            RECORDS.

The Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

SEC. 7-4-9            REVOCATION OF REGISTRATION.

- (a) Registration may be revoked by the Village Board, after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration; made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this Chapter; or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.



## CHAPTER 5

### Regulation and Licensing of Amusement Arcades

- S 7-5-1 Definitions
- S 7-5-2 Amusement Arcade License
- S 7-5-3 Hours of Operation for Amusement Arcades
- S 7-5-4 General Requirements for Amusement Arcades
- S 7-5-5 License Revocation

#### SEC. 7-5-1      DEFINITIONS.

- (a) "AMUSEMENT ARCADE" means any premises or arcade operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building whose primary purpose or object of its existence or operation is that of providing "amusement devices" to the public at retail, and/or any premises operated by any organization, whether incorporated or not, which is the owner, lessee, or occupant of a building the majority of whose gross receipts are derived from the providing of "amusement devices" to the public at retail.
- (b) "AMUSEMENT DEVICE" means any table, platform mechanical device, or apparatus operated or intended to be operated for amusement, pleasure, test of skill, competition, or sport, the use of operation of which is conditioned upon payment of a consideration either by insertion of coin or token in a slot or otherwise. Such amusement device shall include, but not be limited to, devices commonly know as baseball, football, basketball, hockey, pinball, shuffleboard, ray guns, bowling games, pumper games, ski ball, electronic video games, and shall also include billiard tables and pool tables, (whether coin operated or not). Such definition does not include a bowling alley, juke box or other coin operated music machine or a mechanical children's amusement riding device.

#### SEC. 7-5-2      AMUSEMENT ARCADE LICENSE.    Amended 01-21-03

- (a) LICENSE REQUIRED. No person, firm, or corporation shall operate or keep an amusement arcade as defined herein, without having obtained and posted on the premises, in plain view, a license to operate such arcade. Application shall be made to the Village Clerk-Treasurer on the form provided by such office, accompanied by an application fee as set forth in Section 1-1-8 which shall cover the cost of processing the application and shall be non-refundable. The application shall set forth the following information:

- (1) The name and address of the applicant, or, if a partnership, the name and addresses of all the partners, or, if a corporation, the names and addresses of the principal officers and registered agent thereof, and the name and address of the person who will supervise the game room.
  - (2) The name and addresses of the owners of the amusement devices to be located on the licenses premises, if such owners are different from that of the applicant. If the owners of the amusement devises is a partnership, the names and addresses of all the partners, or if a corporation, the names and addresses of the principal officers and registered agent there of.
  - (3) A building plan of the premises to be licensed specifically describing and otherwise showing all dimensions, indicating the intended division of floor space, exits and entrances, the areas to be used for amusement devices, and the common aisles.
  - (4) A site plan of the premises to be licensed which shall include the proposed landscaping for the subject promises, and all the improvements, parking and driveway areas, and landscaping located on property adjacent to and within twenty (20) feet of the property lines of the premises to be licensed.
  - (5) If the applicant operates other game rooms in other areas, the names and addresses of such other licensed establishments.
  - (6) Such application shall also contain such additional information as the village deems necessary to assist it in determining the qualifications of the applicant for such license.
- (b) INSPECTION. The Village Clerk-Treasurer shall notify the Building Inspector of each new application for license and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. The Building Inspector shall furnish to the Village Board in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.
- (c) PUBLIC HEARING. The application shall be forwarded to the Village Board which shall hold a public hearing prior to the granting or denial of any amusement arcade license. In

reviewing each application, The Village Board shall find:

- (1) That the establishment, maintenance, or operation of an amusement Arcade at the location requested will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  - (2) That the proposed amusement arcade will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
  - (3) That the establishment of the amusement arcade will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
  - (4) That adequate measures have been or will be taken to maintain good order surrounding the location thereof.
- (d) ISSUANCE OF LICENSE; TERM. The Village Clerk-Treasurer shall issue a license upon approval of the application by the Village Board, upon the payment by the applicant of an annual license fee as set forth in Section 1-1-8. All licenses issued herein shall be for one year ending on the 30<sup>th</sup> day of June and shall not be transferable.

SEC. 7-5-3            HOURS OF OPERATION FOR AMUSEMENT ARCADES.

- (a) No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of electronic amusement devices to the public at retail between the hours of 10:00 p.m. and 10:00 a.m.
- (b) No premises for which an amusement arcade license has been issued shall be permitted to remain open for the offering of amusement devices to the public at retail between the hours of 10:00 p.m. and 3:00 p.m. on any day in which school is in regular session.
- (c) For the purpose of this section the term public school or parochial school shall be any institution providing learning facilities for Grades K thru 12.
- (d) The Board, by majority vote, may alter these hours for special occasions.

SEC. 7-5-4            GENERAL REQUIREMENTS FOR AMUSEMENT ARCADES.

The following general requirements shall apply to all amusement arcades licensed in accordance with this Chapter:

- (a) All amusement arcades shall have an adult supervisor on the premises at all times in which the game room is open to the

public.

- (b) Every amusement arcade shall provide an adequate area and number of bicycle racks for the orderly parking of bicycles, which area shall be separate from a required vehicle parking stall and shall be so located as to not occupy any portion of a public sidewalk or to otherwise obstruct pedestrian passage to and from the premises.
- (c) Game rooms licensed herein shall comply with all other building, fire code, and applicable Village laws and regulations.
- (d) All arcades shall post rules of nonacceptable patron conduct and shall order anyone violating the rules to leave the premises. Should the violator refuse to leave, they shall advise the Police Department immediately.

SEC. 7-5-5      LICENSE REVOCATION.

Licenses may be revoked by the Village Board after notice and public hearing, in the event an amusement arcade's location or operation fails to conform to standards provided in this chapter, or violates any other provision of this Code of Ordinances.

## CHAPTER 6

### Mobile Homes

#### § 7-6-1 Monthly Parking Fee; Limitations on Parking

##### SEC. 7-6-1 MONTHLY PARKING FEE; LIMITATIONS ON PARKING.

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Pardeeville a monthly parking fee as determined in accordance with Section 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Village Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the treasurer may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Clerk-Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
- (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Clerk-Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Village Clerk-Treasurer as provided in Subsection (a).
- (b) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit the Clerk-Treasurer a cash deposit of Twenty-Five (\$25.00) Dollars to guarantee payment of such fees when due to the Village. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Clerk-Treasurer shall to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.
- (c) It shall be unlawful for any person to park any mobile home in the Village of Pardeeville at any site other than a licensed mobile home park.

State Law Reference: Sec. 66.058, Wis. Stats.

## CHAPTER 7

Sauna and Massage Establishments - Repealed 09/06/11

## CHAPTER 8

Regulation and Licensing of Fireworks

### SEC. 7-8-1      REGULATION OF FIREWORKS.

- (a) 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:
- (1) Fuel or a lubricant.
  - (2) A firearm cartridge or shotgun shell.
  - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, water craft or motor vehicle.
  - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (5) A cap containing not more than one-quarter (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.
  - (6) A toy snake which contains no mercury.
  - (7) A model rocket engine.
  - (8) Tobacco and a tobacco product.
  - (9) A sparkler on a wire or wood stick not exceeding thirty-six inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
  - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
  - (11) 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 three (3) grams in total weight.
  - (12) A device that emits smoke with no external flame and does not leave the ground.
  - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
  - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.
- (b) SALE. No person may sell or possess with intent to sell fireworks, except:

- (1) To a person holding a permit under Subsection (c)(3);
- (2) To a city, village or town; or
- (3) For a purpose specified under Subsection (c)(2)b-f.

(c) USE.

- (1) Permit Required. No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsection a)(5-7) and (9-14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
- (2) Permit Exceptions. Subparagraph (c)(1) above does not apply to:
  - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
  - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
  - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
  - d. The possession or use of explosive or combustible materials in any manufacturing process.
  - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
  - f. 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.
- (3) Who Permit May Be Issued To. A permit under this subsection may be issued only to the following:
  - a. A public authority.
  - b. A fair association.
  - c. An amusement park.
  - d. A park board.
  - e. A civic organization.
  - f. A group of resident or nonresident individuals.
  - g. An agricultural producer for the protection of crops from predatory birds or animals.
- (4) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
- (5) Bond. The Village President 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 Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer

to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Clerk-Treasurer.

- (6) Required Information for Permit. A permit under this subsection shall specify all of the following:
  - a. The name and address of the permit holder.
  - b. The date on and after which fireworks may be purchased.
  - c. The kind and quantity of fireworks which may be purchased.
  - d. The date and location of permitted use.
  - e. Other special conditions prescribed by ordinance.
- (7) Copy of Permit. A copy of a permit under this subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
- (8) Minors Prohibited. A permit under this subsection may not be issued to a minor.

(d) STORAGE AND HANDLING.

- (1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
- (2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.
- (3) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
- (4) Storage Distance. No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a dwelling.
- (5) Restrictions on Storage. No person may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.

- (e) 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.

State Law Reference: Section 101(1)(j), Wis. Stats.



## CHAPTER 9

### Street Use Permits

#### § 7-9-1 Street Use Permits

#### SEC. 7-9-1 STREET USE PERMITS amended 07-15-08

- (a) PURPOSE. The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances the Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) APPLICATION. A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk-Treasurer and shall be filed with the Village Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use.
  - (1) The name, address and telephone number of the applicant or applicants.
  - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
  - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
  - (4) The date and duration of time for which the requested use of the street is proposed to occur.
  - (5) An accurate description of that portion of the street proposed to be used.
  - (6) The number of persons for whom use of the proposed street area is requested.
  - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) REPRESENTATIVE AT BOARD MEETING. The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) PETITION. Organizations sponsoring public activities or civic celebrations, must submit the application and secure Village Board approval to close a village street, or part of a village street to accommodate such activity, but do not require a petition. In the instance of a private event such as a street dance, block party, etc. the application shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five (75%)

percent of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the \_\_\_\_\_ hundred block of \_\_\_\_\_ Street in the Village of Pardeeville, hereby consent to the \_\_\_\_\_ recreational or business use of this street between the hours of \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the purpose of \_\_\_\_\_ and do hereby petition the Village Board of the Village of Pardeeville to grant a Street Permit for us to use the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village Board of the Village of Pardeeville shall attach to the granting of the requested Street Use Permit.

We designate \_\_\_\_\_ as the responsible person or persons who shall sign an application for a Street Use Permit on our behalf.

- (e) FEES. Fees shall be set forth in Section 1-1-8. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (f) INSURANCE. The Applicant for a Street Use Permit may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Pardeeville. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (g) TERMINATION OF A STREET USE PERMIT. A Street Use Permit for an event in progress may be terminated by the Police Department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Pardeeville. The Chief of Police has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

## CHAPTER 10

### Day Care Centers and Nursery Schools

- § 7-10-1     Operation of Day Care Centers and Nursery Schools  
                 Regulated
- § 7-10-2     Licensing of Day Care and Nursery Schools
- § 7-10-3     Fence Required

#### SEC. 7-10-1            OPERATION OF DAY CARE CENTERS AND NURSERY SCHOOLS                               REGULATED.

- (a)     BOARD OF HEALTH TO SUPERVISE. All day care centers or nursery schools in the Village shall be under the supervision of the Board of Health and shall meet all rules and regulations of the State of Wisconsin Department of Health and Social Services, Family Services Division as to licensing, inspection and any administrative criteria and rules of that Department.
- (b)     STATE REGULATIONS ADOPTED. No day care center or nursery school shall be operated within the Village unless the facilities thereof are in compliance with the provisions of Ch. IND 60, Wisconsin Administrative Code, which is hereby adopted and incorporated in this Section reference with the same effect as if it were fully set forth herein. A copy of such regulations, as from time to time amended, shall be kept permanently on file in the office of the Clerk-Treasurer. The owner, lessor, lessee, operator and person in charge of any day care center or nursery school shall be mutually and severally responsible for compliance with the provisions of this subsection.
- (c)     INSPECTIONS. The Board of Health and Building Inspector shall inspect any premises licensed by the State to determine whether the premises conform with the Building Code and health and safety requirements of this Code of Ordinances.

State Law Reference: Chapter IND 60, Wis. Adm. Code; Section 48.65, Wis. Stats.

#### SEC. 7-10-2            LICENSING OF DAY CARE CENTERS AND NURSERY SCHOOLS.

- (a)     STATE LICENSE REQUIRED FOR DAY CARE CENTERS. No person shall engage in the business of day care center or nursery school operator within the Village who does not hold a valid day care center operator's license issued by the Wisconsin Department of Health and Social Services.
- (b)     VILLAGE LICENSING.
  - (1)     Every facility licensed as a day care center or a nursery school by the State shall apply for a license to the Health Department on May 1, beginning May 1, 1978. Such application shall be filed at

least sixty (60) days before May 1, 50 that inspection by the health Officer and the Building Inspector can be completed and license issued to the operator of the day care center or nursery school.

(2) The Village license shall be in addition to the State license and shall be granted to each operator after an inspection by the Health Officer and the Building Inspector. No license shall be granted unless the operator of the premises has conformed with all Village and State regulations applicable thereto.

- (c) REVOCATION; FEES. Every Village license issued hereunder may be revoked by the Health Nurse in case of any violation of the Building Code or health and safety regulations as found by inspection. Such license revocation notice shall be given to the operator and hearing provided upon notice. The license fee for every licensed facility shall be set forth in Section 1-1-8, payable May 1 when such license is issued.

SEC. 7-10-3      FENCE REQUIRED.

To assure the safety of those children who are cared for at a day care center, all such centers which are not located on a corner lot shall have all or an adequate portion of the rear yard fenced so as to help assure the safety of the children while playing outside. Centers located on corner lots shall maintain such a fenced area in a side yard.

## CHAPTER 11

### Close-Out Sales

- § 7-11-1 License Required
- § 7-11-2 License Fee
- § 7-11-3 Restrictions on Sales
- § 7-11-4 Application for License
- § 7-11-5 Investigation of Application; Grounds for Denial of License
- § 7-11-6 Issuance of License; Conditions Thereof
- § 7-11-7 Renewal Procedure
- § 7-11-8 Duties of Licensee
- § 7-11-9 Revocation of License
- § 7-11-10 Sale Limited to Inventory Items
- § 7-11-11 Penalties

#### SEC. 7-11-1      LICENSE REQUIRED.

It shall be unlawful for any person to advertise, offer to sell to the public or conduct any sale to the public of goods, wares or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location, or that the sale is being held other than in the ordinary course of business. Without limiting the generality of the above, close-out sales shall include any sale advertised either specifically or in substance to be a "fire sale"; "smoke and water damage sale"; "adjustment sale"; "creditor's sale"; "trustee's sale"; "bankrupt sale"; "save us from bankruptcy sale"; "insolvent sale"; "insurance salvage sale"; "mortgage sale"; "assignee's sale"; "adjuster's sale"; "must vacate sale"; "quitting business sale"; "receiver's sale"; "loss of lease sale"; "forced out of business sale"; "creditor's committee sale"; "wholesalers close-out sale"; "liquidation sale"; or "removal sale"; without first securing from the Clerk-Treasurer a license so to do. Such license shall be known as "CLOSEOUT SALE LICENSE." The provisions of this Chapter shall not be applicable to trustees in bankruptcy, executors, administrators, receivers or public officer acting under judicial process.

State Law Reference: Section 66.35, Wis. Stats.

#### SEC. 7-11-2      LICENSE FEE. Amended 01-21-03

The fee for the license required by the preceding Section shall be set forth in Section 1-1-8.

#### SEC. 7-11-3      RESTRICTIONS ON SALES.

- (a) No person who has held a sale as regulated hereunder at a given

location shall, within two (2) years last past from the date of such sale be entitled to another license. For purposes of this subsection, a person, members of his immediate family, any corporation in which he or his immediate family has a majority interest, or two corporations in which the same person, or members of the same immediate family have a majority interest, shall be considered to be the same person.

- (b) Any person conducting a sale under the provisions of this Section at the conclusion of which sale the business will not cease and be discontinued, shall be required to publish this fact or the qualified nature of the sale with equal prominence with such advertisement of such sale. The fact that the business shall be continued at the same location at the conclusion of the sale shall not exempt the person conducting such sale from the provisions of this Section.
- (c) A license shall not be granted to any person who has not been the owner of the business identified or described in the application hereunder for a period of at least twelve (12) months prior to the date of the proposed sale.
- (d) When a person applying for a license hereunder operates more than one place of business, whether within the Village or not, the license issued shall apply only to the one store or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale; nor shall the store or branch transfer merchandise or articles to the store conducting such licensed sale; nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.
- (e) It shall be unlawful for any person issued a license hereunder to conduct an auction sale in connection with a close-out sale of merchandise as licensed hereunder, except on the last day of such sale.

SEC. 7-11-4      APPLICATION FOR LICENSE.

Any person desiring to conduct a close-out sale shall make written application to the Clerk-Treasurer at least thirty (30) day prior to the date on which said sale is to commence, on blanks furnished by the Clerk-Treasurer and verified by the applicant before a person authorized to administer oaths. Each application shall contain the following information and such other information as the Clerk-Treasurer may deem necessary:

- (a) The name and address of the owner of the goods, wares or merchandise to be the object of the sale and if the sale is to be conducted by a person or agent not the owner of the goods, then the name of the person conducting such sale.
- (b) A description of the place where such sale is to be held.
- (c) The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.
- (d) A full and complete statement of the facts regarding the close-out merchandise sale, including the reason why such sale is being conducted, the manner in which such sale will be conducted and the commencement and termination date of such sale.
- (e) The means to be employed in advertising such sale, together with the

content of any proposed advertisement.

- (f) A complete and detailed inventory of the goods, wares and merchandise to be offered for sale as disclosed by applicant's records. Said inventory shall be attached to and become a part of the required application.
- (g) The place where such stock was purchased or acquired and the terms and conditions of such acquisition; and in the case of stock placed upon the premises within ninety (90) days prior to such sale, the time of acquisition of such stock.
- (h) A statement that all goods included in such inventory were purchased by the applicant for resale on bona fide orders without cancellation privileges and not goods purchased on consignment, or goods ordered in contemplation of conducting a closeout sale as defined herein. Any unusual purchase, or addition to the stock of goods of the business hereby affected within ninety (90) days before the filing of an application shall be deemed to be of such character.

SEC. 7-11-5            INVESTIGATION OF APPLICATION; GROUNDS FOR DENIAL OF LICENSE.

Upon receipt of the application, the Clerk-Treasurer shall cause an investigation to be made by the Chief of Police of all the facts contained therein. No license shall be issued if any one or more of the following facts or circumstances are found to exist:

- (a) That the inventory contains goods, wares or merchandise not purchased by the applicant for resale on bona fide orders without cancellation privileges.
- (b) That the inventory contains goods, wares or merchandise acquired by the applicant on consignment.
- (c) That the applicant either directly or indirectly and within two (2) years prior to the date of the filing of the application, conducted a sale in connection with which he advertised or represented that the entire business conducted at the location designated in the application was to be closed out or terminated.
- (d) That the applicant was granted a license hereunder within two (2) years preceding the date of the filing of the application.
- (e) That the applicant has heretofore been convicted of a violation of this Chapter or has had a license issued to him pursuant to this Chapter revoked within a five (5) year period immediately preceding the date of the present application for license.
- (f) That the goods, wares or merchandise described in the inventory were transferred or assigned to the applicant for less than an adequate consideration.
- (g) That the inventory contains goods, wares or merchandise purchased by the applicant or added to his stock in contemplation of such sale and for the purpose of selling the same at such sale. For the purpose of this subparagraph any unusual addition to the stock of such goods, wares or merchandise made within ninety (90) days prior to the filing of such application shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale.
- (h) That the applicant has not been in business at the location described

in the application for at least one (1) year prior to the date of the filing of the application.

- (i) That any representation made in said application is not true or any advertisement proposed to be used in connection with said sale is misleading.

SEC. 7-11-6            ISSUANCE OF LICENSE; CONDITIONS THEREOF.

When it appears that all the statements in the application are true and that the proposed sale is of the character represented therein, that the application is in full compliance with the terms and conditions of this Chapter, and that the required license fee has been paid, the Clerk-Treasurer shall issue a license to the applicant authorizing said applicant to advertise and conduct the sale as described in the application, subject to the following conditions:

- (a) The sale shall be held at the place named in the application and by the particular licensee for a period of not more than thirty (30) consecutive calendar days including Sundays and legal holidays, next following the date of the issuance of said license.

SEC. 7-11-7            RENEWAL PROCEDURE.

- (a) The Clerk-Treasurer shall renew a license for one period of time only, such period to be in addition to the thirty (30) days permitted in the original license, and not to exceed fifteen (15) consecutive days, Sundays and holidays included, when he finds:  
That facts exist justifying the license renewal; That the licensee has filed an application for renewal; That the licensee has submitted with the application a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory. For the purpose of this subsection, any application for a license under the provisions of this Chapter covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal whether presented by the original applicant or by any other person.
- (b) Only the goods, wares and merchandise described in the inventory attached to the application shall be sold at said sale.
- (c) The license shall authorize only the one type of sale described in the application at the location named therein.
- (d) Upon the commencement of said sale and for its duration, the license issued hereunder shall be prominently displayed in the place of sale by the licensee.
- (e) The licensee shall keep suitable books during the sale, at the location at which said sale is conducted, in which shall be made daily entries showing each item sold that day and the price paid by the purchaser. Said books shall be open for inspection by the Clerk-Treasurer and the Chief of Police.
- (f) Upon being issued a license hereunder for a close-out sale, the licensee shall surrender to the Clerk-Treasurer all other business licenses he may hold at the time applicable to the location and goods covered by the application for a license under this Chapter.



- (g) Any license herein provided for shall not be assignable or transferable.

SEC. 7-11-8      DUTIES OF LICENSEE.

A licensee hereunder shall:

- (a) ADHERE TO INVENTORY. Make no additions whatsoever, during the period of the licensed sale, to the stock or goods set forth in the inventory attached to the application for license.
- (b) ADVERTISE PROPERLY. Refrain from employing any untrue, deceptive or misleading advertising.
- (c) ADHERE TO ADVERTISING. Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.
- (d) KEEP DUPLICATE INVENTORY. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and present such duplicate to inspecting officials upon request.
- (e) SEGREGATE NON-INVENTORIED GOODS. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale appraising the public of the status of all such goods.
- (f) Refrain from advertising by any means comparative prices of goods offered for sale, or percentages of any discounts offered on sale goods.

SEC. 7-11-9      REVOCATION OF LICENSE.

The Clerk-Treasurer shall revoke any license issued pursuant to the provisions of this Chapter if he shall find that the licensee has violated any provision of this Chapter, has made any material mis-statement not described in the original application, or has failed to keep suitable records of said sale. Revocation shall be in addition to other penalties prescribed by this Chapter.

SEC. 7-11-10      SALE LIMITED TO INVENTORY ITEMS.

It shall be unlawful to sell, offer or expose for sale, at any sale for which a license is required by this Section, any merchandise not listed in the inventory, except that any merchant may, in the regular course of business, conduct a closing-out sale of merchandise and at the same time sell other merchandise, if the merchandise for the sale of which a license is required shall be distinguished by a tag or otherwise so that said merchandise of said class is readily ascertainable to prospective purchasers, and shall not label or tag other merchandise in a manner to indicate to, or lead, a prospective purchaser to believe that said merchandise is of the class or classes for which a license is required. Each article sold in violation of the provisions hereof, shall constitute a separate offense, and any false or misleading statement in said inventory, application or extension application shall constitute a violation of this Section. Each day of operating such sale without an appropriate license or license renewal shall constitute a separate violation.

SEC. 7-11-11      PENALTIES.

Any person violating this Chapter shall, in addition to revocation under Sec. 7-11-9, be subject to a forfeiture as provided in Section 1-1-6 of this Code of Ordinances.

## CHAPTER 12

### Regulation of Alarm Systems

§ 7-12-1	Title
§ 7-12-2	Declaration of Purpose
§ 7-12-3	Definitions
§ 7-12-4	Administrative Rules
§ 7-12-5	Automatic Dialing Devices
§ 7-12-6	Direct Connections to the Police Department
§ 7-12-7	Testing
§ 7-12-8	Notification
§ 7-12-9	Fee for Answering Alarms
§ 7-12-10	Termination of Direct Connection
§ 7-12-11	Village Liability
§ 7-12-12	Permits for Private Alarm Systems
§ 7-12-13	Revocation of Permits
§ 7-12-14	Penalties

#### SEC. 7-12-1      TITLE.

This Chapter shall be known as the Village of Pardeeville Alarm Systems Chapter.

#### SEC. 7-12-2      DECLARATION OF PURPOSE.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

#### SEC. 7-12-3      DEFINITIONS.

Within this chapter, the following terms, phrases and words and their derivations have the meanings given herein:

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid-state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police Department is expected to respond. In this chapter, the term "alarm system" shall include the terms "automatic holdup

alarm system," "burglar alarm systems," "holdup alarm systems," and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located, of an attempted, unauthorized intrusion or holdup attempt, or fire.

- (c) The term "annunciator" means the instrumentation on an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated, or which, in the event of malfunction, may also indicate line trouble.
- (d) The term "answering service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police Department or the Columbia County Sheriff's Department.
- (e) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) The term "automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
- (g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.
- (h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) The term "direct connect" means an alarm system which has the capability of transmitting system signals to the Police Department or the Columbia County Sheriff's Department dispatch center.
- (j) The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system, or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes, or other violent climatic conditions.
- (k) The term "interconnect" means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) The term "primary trunk line" means a telephone line leading directly into the dispatch center of the Police Department or Columbia County Sheriff's Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by

a specific number included among the emergency numbers listed in the telephone directory, or numbers in sequence therewith.

- (n) The term "subscriber" means a person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

SEC. 7-12-4            ADMINISTRATIVE RULES.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

SEC. 7-12-5            AUTOMATIC DIALING DEVICES.

No person shall interconnect any automatic dialing device to a Police Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police Department or the Columbia County Sheriff's Department shall only be done person to person on the telephone line.

SEC. 7-12-6            DIRECT CONNECTIONS TO THE POLICE DEPARTMENT

Direct connections to the Pardeeville Police Department are prohibited.

SEC. 7-12-7            TESTING.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification of the Police Department dispatcher or the Columbia County Sheriff's Department dispatcher. Alarm business or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police Department or the Columbia County Sheriff's Department will be tested to determine the Police Department's or Columbia County Sheriff's Department's response without first notifying the appropriate authority.

SEC. 7-12-8            NOTIFICATION.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make

such notification by telephone during certain hours, the alarm business may comply with such instructions.

SEC. 7-12-9      FEE FOR ANSWERING ALARMS.

- (a) GENERALLY. Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.
- (b) INTENTIONAL. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) FALSE ALARMS, ADMINISTRATIVE CHARGES. Any person, business, corporation or other entity, having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Village a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:
  - (1) Responded to by Police Department:
    - a. First two (2) false alarms for a location    No Charge
    - b. Third (3rd) false alarm per location            \$25.00
    - c. Fourth (4th) false alarm per location       \$35.00
    - d. Fifty (5th) false alarm per location           \$45.00
    - e. Sixth (6th) and subsequent false alarm  
    per location     \$65.00
  - (2) All false alarms responded to by firefighting personnel and apparatus, in addition to police response:
    - a. First two (2) false alarms for a location    No Charge
    - b. Third (3rd) and subsequent false alarm per  
    location     \$100.00

This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the police or the Police and Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof together with any additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) OTHER VIOLATIONS. Any person, corporation, or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the immediately preceding Subsection (a) of this Section, shall be subject to forfeiture of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00)

Dollars together with costs of prosecution.

- (e) DEFAULT OF PAYMENT FOR FORFEITURE AND/OR COSTS. On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months.

SEC. 7-12-10      TERMINATION OF DIRECT CONNECTION.

The Chief of Police is authorized to require that the owner or lessee of any alarm system directly connected to the Department or primary trunk lines shall disconnect such device within thirty (30) days after passage of this chapter.

SEC. 7-12-11      VILLAGE LIABILITY.

The Village of Pardeeville shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

SEC. 7-12-12      PERMITS FOR PRIVATE ALARM SYSTEMS.

- (a) PERMIT REQUIRED. A permit is required for each private alarm system on premises within the Village. There shall be a Ten (\$10.00) Dollars permit fee.
- (b) INTERIOR ALARMS. A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) ISSUING AUTHORITY. The issuing authority for permits shall be the Chief of Police.
- (d) APPLICATION. Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) APPEAL. Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 7-12-13.

SEC. 7-12-13      REVOCATION OF PERMITS.

- (a) HEARING. Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice

- setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) GROUNDS FOR REVOCATION. The Chief of Police may revoke a permit on the following grounds:
- (1) The application for a permit contains a false statement of a material fact.
  - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
  - (3) An alarm system repeatedly actuates false alarms.
- (c) APPEALS. Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the Clerk-Treasurer within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Board gives its decision. The Clerk-Treasurer shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

SEC. 7-12-14      PENALTIES.

- (a) Any person who shall violate any Section of this Chapter shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.
- (b) When any premises located in the Village is owned, leased, or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (c) In addition to a forfeiture, any person using a private alarm system whose false alarm requires a response to the premises by Police Department or Village personnel shall be subject to payment of false alarm fees as provided in Section 7-12-9.



## CHAPTER 13

### Parade Permits

- § 7-13-1 Definitions
- § 7-13-2 Permit Required; Exceptions
- § 7-13-3 Application for Permit
- § 7-13-4 Standards for Issuance
- § 7-13-5 Notice of Denial
- § 7-13-6 Notice to Village and Other Officials
- § 7-13-7 Contents of Permit
- § 7-13-8 Duties of Permittee
- § 7-13-9 Possession of Permit
- § 7-13-10 Public Conduct During Parades

#### SEC. 7-13-1        DEFINITIONS.

- (a) "CHIEF OF POLICE" - The Chief of Police of the Village.
- (b) "PARADE" is any parade, march, ceremony, show, exhibition, pageant, or procession, or any similar display, in or upon any street, park or any other public place in the Village.
- (c) "PARADE PERMIT" is a permit required by this Chapter.
- (d) "PERSON" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (e) "VILLAGE" is the Village of Pardeeville.

#### SEC. 7-13-2        PERMIT REQUIRED; EXCEPTIONS.

- (a) PERMIT REQUIRED. No person shall participate in or form any parade unless a parade permit has been obtained from the Chief of Police and also from the Wisconsin Department of Transportation.
- (b) EXCEPTIONS. This Chapter shall not apply to:
  - (1) Funeral processions.
  - (2) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate and supervision of the proper school authorities.
  - (3) A governmental agency acting within the scope of its functions.

#### SEC. 7-13-3        APPLICATION FOR PERMIT.

- (a) APPLICATION. A person seeking a parade permit shall file an application with the Chief of Police on forms provided by him.
- (b) FILING PERIOD. An application for a parade permit shall be filed with the Chief of Police not less than thirty (30) days nor more than sixty (60) days before the date on which it is proposed to conduct the parade.
- (c) CONTENTS. The application for a parade permit shall set forth the following information:
  - (1) The name, address and telephone number of the person seeking to

conduct such parade.

- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
  - (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
  - (4) The date when the parade is to be conducted.
  - (5) The route to be traveled, the starting point and the termination point.
  - (6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.
  - (7) The hours such parade will start and terminate.
  - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.
  - (9) The location by streets of any assembly areas for such parade.
  - (10) The time at which units of the parade will begin to assemble at any such assembly area or areas.
  - (11) The interval of space to be maintained between units of such parade.
  - (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.
  - (13) Any additional information which the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) LATE APPLICATIONS. The Chief of Police and Village Board, where good cause is shown, may consider any application which is filed less than thirty (30) days before the date such parade is proposed to be conducted.
- (e) FEE. There shall be no fee required.

#### SEC. 7-13-4      STANDARDS FOR ISSUANCE.

The Chief of Police shall forward, with a recommendation, the application to the Village Board for action. The Village Board shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (b) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.
- (c) The conduct of such parade will not require the diversion of so great number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.
- (d) The concentration of persons, animals and vehicles at assembly points

of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.

- (e) The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire.
- (f) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- (g) The parade is schedule to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.
- (h) The chairman of the Town of Wyocena must sign the parade permit if traffic is to be detoured.
- (i) The parade permit holder must make arrangements for the placement of barricades with the Department of Public Works who shall be responsible for the actual placement of the barricades after being duly notified by the parade permit holder.
- (j) The permit holder must have 6 responsible adults available to assist in directing traffic during the parade.
- (k) The permit holder shall be responsible for detour signs and no parking signs.

SEC. 7-13-5      NOTICE OF DENIAL.

The Chief of Police shall make his advisory recommendation upon the application for a parade permit within three (3) days after the filing thereof. If the Chief of Police disapproves the application, he shall mail to the applicant within five (5) days after the date upon which the application was filed, a notice of his action, stating the reasons for his denial of the permit.

SEC. 7-13-6      NOTICE TO VILLAGE AND OTHER OFFICIALS.

Immediately upon receiving of a parade permit application, the Chief of Police shall send a copy thereof to the following:

- (a) Village President.
- (b) Fire Chief.
- (c) The Director of Public Works.
- (d) Clerk-Treasurer.

SEC. 7-13-7      CONTENTS OF PERMIT.

Each parade permit shall state the following:

- (a) Starting time.
- (b) Minimum speed.
- (c) Maximum speed.
- (d) Maximum interval of space to be maintained between the units of the parade.
- (e) The portions of the streets to be traversed that may be occupied by the parade.

- (f) The maximum length of the parade in miles or fractions thereof.
- (g) Such other information as the Chief of Police shall find necessary to the enforcement of this Chapter.

SEC. 7-13-8            DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

SEC. 7-13-9            POSSESSION OF PERMIT.

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

SEC. 7-13-10        PUBLIC CONDUCT DURING PARADES.

- (a) INTERFERENCE. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) DRIVING THROUGH PARADES. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) PARKING ON PARADE ROUTE. The Chief of Police may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Chapter.

## CHAPTER 14

### Rummage/Garage Sales

S 7-14-1 Rummage/Garage Sales

#### SEC. 7-14-1 Rummage/Garage Sales

- (a) DEFINITIONS. The following definitions are applicable to this Section:
  - (1) RUMMAGE/GARAGE SALES. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing personal property, including but not limited to all sales entitled Garage Sales, Rummage Sales, Tag Sales, Porch Sales, Estate Sales, Flea Market, Lawn Sales, Yard Sales, Basement Sales, Room Sales, Backyard Sales, Patio Sales.
- (b) HOURS. Rummage/Garage Sales shall only be conducted between dawn and dusk on any particular day.
- (c) PLACEMENT OF ITEMS. All items set up for sale can only be exhibited during the hours set forth above and must be removed from view by dusk and shall not be placed out on the premises until dawn of each day of the sale. Each person conducting such a Rummage/Garage Sale shall be responsible for taking such sale item out of the general view of the public and place them in a structure or building during the night time hours. However, this removal to a structure during the night time hours shall not be required during the existing Village wide sales during Memorial Day and Labor Day weekends. Articles and goods exhibited on flatbed trailers, tables and other such hardware may be placed in view and left over night from dawn on the Thursday before the Memorial or Labor Day weekend up through and including dusk on the Monday of the holiday weekend at which time the regular requirements of this section shall be placed back into effect.
- (d) PENALTY. If a person fails to comply with this Ordinance, it will result in a forfeiture of \$50.00 plus costs for each and every day of the violation, with each separate day being a separate violation and shall be punishable under Section 1-6-1 of the Village Code of Ordinances.

## **TITLE 8**

### **Motor Vehicles and Traffic**

- Chapter 1 Traffic and Parking
- Chapter 2 Bicycles
- Chapter 3 Snowmobiles
- Chapter 4 Abandoned and Junked Vehicles
- Chapter 5 Low Speed Vehicles

## **CHAPTER 1**

### **Traffic and Parking**

- § 8-1-1 State Traffic Laws Adopted
- § 8-1-2 Official Traffic Signs and Control Devices;  
Prohibited Signs, Signals and Markers
- § 8-1-3 Stops Required
- § 8-1-4 Restrictions on Parking; Special Limitations
- § 8-1-5 Operators to Obey Traffic Control Devices
- § 8-1-6 Parking of Vehicles Over 10,000 Pounds or 16 Feet  
Restricted
- § 8-1-7 Miscellaneous Parking Restrictions
- § 8-1-8 Stopping or Parking Prohibited in Certain Specified  
Places; Angle Parking
- § 8-1-9 Parking Reserved for Vehicles of Disabled
- § 8-1-10 Leaving Keys in Vehicle Prohibited; Parking Vehicles With  
Motor Running
- § 8-1-11 Unattended Motorized Machinery
- § 8-1-12 Through Streets Designated
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- § 8-1-14 Speed Limits
- § 8-1-15 Unlawful Removal of Parking Citations
- § 8-1-16 Registration Record of Vehicle as Evidence
- § 8-1-17 Accident Reports
- § 8-1-18 School Bus Warning Lights
- § 8-1-19 Operation of Motor Vehicles in Public Parking Lots and  
Ramps
- § 8-1-20 Disturbance of the Peace with a Motor Vehicle
- § 8-1-21 Removal of Illegally Parked Vehicles
- § 8-1-22 Inoperable, Wrecked or Discarded Vehicles
- § 8-1-23 Unauthorized Operation of Motor Vehicles on Public or  
Private Property
- § 8-1-24 Heavy Traffic Routes
- § 8-1-25 U-Turns Prohibited
- § 8-1-26 Blue Warning Lights on Police Vehicles
- § 8-1-27 State Administrative Code Provisions Adopted
- § 8-1-28 Penalties
- § 8-1-29 Enforcement

SEC. 8-1-1            STATE TRAFFIC LAWS ADOPTED.

- (a) STATUTES ADOPTED. Excepted as otherwise specifically provided in this Code, the statutory provisions in Chapters 340 to 348 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is Traffic and Parking a forfeiture only, including penalties to be imposed and procedures for prosecution, 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 any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 348 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicles traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall within the Village of Pardeeville, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) OTHER STATE LAWS ADOPTED. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this ordinance shall be as provided in Chapters 340 through 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01            Negligent Operation of Vehicle Off Highway
  - 941.03            Highway Obstruction
  - 947.045          Drinking in Motor Vehicle on Highway
- (c) STATUTES SPECIFICALLY INCORPORATED BY REFERENCE. Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1983-84 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) GENERAL REFERENCES. General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

SEC. 8-1-2            OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES;  
PROHIBITED SIGNS, SIGNALS AND MARKERS.

- (a) DUTY OF DIRECTOR OF PUBLIC WORKS TO ERECT AND INSTALL UNIFORM TRAFFIC CONTROL DEVICES. Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 8-1-1, require the erection of traffic control devices for enforcement, the Director of Public Works, with the cooperation of the Police Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply.

Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as in the judgment of the Director of Public Works or his designee will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Pardeeville.

- (b) CODE NUMBERS TO BE AFFIXED TO OFFICIAL TRAFFIC CONTROL DEVICES. The Director of Public Works or his designee shall cause to be placed on each official traffic control sign, a guide board, mile post, signal or marker erected under Subsection (a) a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct Traffic and Parking the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) PROHIBITED SIGNS AND MARKERS IN HIGHWAYS. No person, other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection (d).
- (d) REMOVAL OF UNOFFICIAL SIGNS, MARKERS, SIGNALS AND TRAFFIC CONTROL DEVICES. The Director of Public Works or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

SEC. 8-1-3            STOPS REQUIRED.            Amended 03-18-03

All vehicles shall stop at designated intersections behind the crosswalk area. A list of designated stops in the Village of Pardeeville will be maintained by the Public Works Director.

SEC. 8-1-4            RESTRICTIONS ON PARKING; SPECIAL LIMITATIONS.

(Amended 06-15-04)

- (a) SEVENTY-TWO (72) HOUR LIMITATION. No person shall park or leave standing any vehicle, camper or trailer on any street in the Village for a period of seventy-two (72) or more consecutive hours at any time. When any police officer shall find a vehicle, camper or trailer standing upon a street in violation of the provisions of this section, he is authorized to move such a vehicle, camper or trailer



or to require the operator in charge thereof to move such vehicle, camper or trailer to a position permitted under this ordinance. The police officer may cause said vehicle, camper or trailer to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle, camper or trailer and the storage fees on said vehicle before he may recover the possession thereof. In special situations, a police officer may give permission to park longer than seventy-two (72) hours. Trucks and trailers parked in specific truck parking zones authorized by the Village Board are exempt from this Section.

(b) POSTED LIMITATIONS.

- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
- (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346 and shall also have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
- (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.
- (5) After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

(c) WINTER PARKING RESTRICTIONS.

- (1) No person shall park a motor vehicle, trailer, or similar vehicle on any streets in the Village of Pardeeville between 1:00 a.m. and 6:00 a.m., from November 15 to April 1, of each year, except that vehicles may be parked on the even house numbered (north and east directions) sides of the streets between 1:00 a.m. and 6:00 a.m. on even-numbered days of the month, and on odd house numbered (south and west) sides of the

street on odd-numbered days of the month. The odd or even numbered days shall be that day which the car was standing on the street, between 1:00 a.m. and 6:00 a.m.

- (2) For the purpose of this Subsection, parking is defined as meaning leaving a vehicle or permitting a vehicle to remain on the street, unattended, but shall not include the temporary stopping of:
- a. A vehicle by a doctor making a house call.
  - b. Business vehicles being used for deliveries or pick-ups during these hours, whose motor is running.
  - c. Police, fire or other emergency vehicles so marked.

SEC. 8-1-5                    OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 8-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Section 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Section 346.18(6), Wis. Stats.

SEC. 8-1-6                    PARKING OF VEHICLES OVER 10,000 POUNDS OR 16 FEET  
   RESTRICTED.     Amended 2-18-14

No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle in excess of ten thousand (10,000) pounds gross weight, shall park upon any street, avenue or public way in the Village between the hours of 6:00 p.m. and 7:00 a.m. One (1) hour parking will be allowed between 7:00 a.m. and 6:00 p.m. The provisions of this subsection shall not be deemed to prohibit the lawful parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, wares or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Village Board may, however, designate specific truck parking zones as specified in Section 8-1-7.

SEC. 8-1-7                    MISCELLANEOUS PARKING RESTRICTIONS.                    Amended 10-19-10

- (a) PARKING DURING A SNOW EMERGENCY. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way except in the downtown business district defined in section 8-1-8(g), and any vehicles over 10,000 pounds are exempt from parking on the east side of Gillette Street in the 300 and 400 blocks per village signage. The Village Board hereby declares that a snow emergency exists during and following a snow storm, when the depth of the snow reaches an amount of 3" or more during any period of 24 hours or less. Such an emergency is declared to be a serious public hazard impairing transportation and public health, safety and welfare

for a period of 24 hours after the snow has ceased to fall. A snow emergency will be considered to exist under this subsection when a snow fall as described above is forecast by the National Weather Service. This paragraph shall supersede any other ordinance which might in any way conflict.

- (b) STREET MAINTENANCE. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Director of Public Works shall post such highways or parts thereof with signs bearing the words "No Parking - Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

SEC. 8-1-8                      STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES; ANGLE PARKING.

- (a) PARKING PROHIBITED. No person shall stop, park or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
  - (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters.
  - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
  - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
  - (6) In any place or manner so as to obstruct, block or impede traffic.
  - (7) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (8) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (9) Upon any bridge.
  - (10) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
  - (11) Upon any terrace or sidewalk in the Village at any time.
- (b) ANGLE PARKING. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that the same is permissible. All vehicles shall park parallel to, and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (c) PARKING IN DRIVEWAYS. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (d) PARKING VEHICLE FOR REPAIR OR TO DISPLAY FOR SALE PROHIBITED. No person shall stand or park a vehicle on any street, alley or

municipal parking lot in the Village for the purpose of repairing said vehicle, or to display such vehicle for sale.

- (e) PARKING RESTRICTIONS DESIGNATED. When signs or parking meters are erected in any block giving notice thereof:
  - (1) No person shall park any motor vehicle, motorcycle, horse-drawn vehicle or any other vehicle on Oak Street from East Chestnut Street to the intersection with LaFollette Street, and from LaFollette Street between the intersection with Oak Street and Sanborn Street.
  - (2) No vehicle shall be permitted to park on the south side of West Chestnut Street or County Trunk Highway "P" as it is called, for a distance of two hundred twenty-five (225) feet west of the west line of the intersection of West Chestnut Street and Main Street or State Trunk Highway "22."
  - (3) No vehicle shall be permitted to park on the west side of South Main Street or State Trunk Highway "22," from the south line of the intersection of South Main and West Chestnut Street, a distance of two hundred (200) feet.
  - (4) A loading/unloading zone 125 feet from the intersection of Sanborn Street east on East Chestnut Street.
- (f) TWO HOUR PARKING. (Amended 06-15-04) No person shall park any automobile, motorcycle or other similar vehicle for more than two (2) hours during the hours of 6:00 a.m. to 6:00 p.m. daily except Sundays and Holidays, between the intersection of Chestnut and Main Street, to the hydro generating plant at 211 N. Main Street and between the intersection of Lake Street and Main Street east to the corner of Second Street and Lake Street.
- (g) NO PARKING. No vehicle shall be permitted to park on Lake Street from the intersection of Second Street west to Main Street and Main Street from the Village parking lot on North Main Street south to the intersection with Chestnut Street between the hours of 2:30 a.m. to 6:00 a.m.
- (h) (deleted 06-15-04)

SEC. 8-1-9

PARKING RESERVED FOR VEHICLES OF DISABLED.

When official traffic signs indicating such restriction have been erected in accordance with Section 8-1-2 of this Chapter, no person, except Traffic and Parking a disabled person, shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

SEC. 8-1-10

LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING.

- (a) LEAVING KEYS IN VEHICLE. No person shall permit any motor vehicle in his custody to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the

(b) PARKING VEHICLES WITH MOTOR RUNNING. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than five (5) minutes within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

(a) Main Street within the Village limits.

- (a) PARKING. All parking on any grounds of the Pardeeville School District from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.
- (b) SPEED LIMITS. No person shall at any time operate a motor vehicle upon any Pardeeville School District grounds at a speed in excess of ten (10) miles per hour.
- (c) VEHICLES PROHIBITED AT SPECIFIED TIMES. No person shall at any time operate a motor vehicle, other than a school bus and emergency vehicle, in or upon any drive designated for buses only by sign during the hours of 7:30 a.m. to 9:00 a.m. and during the hours of

3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.

SEC. 8-1-14      SPEED LIMITS.      Amended 4/21/15

The Village Board of the Village of Pardeeville hereby determines that the statutory speed limits on the streets or portions thereof set forth in this Section are unreasonable, unsafe or imprudent, and modifies such speed limits under authority granted by Section 349.11, Wis. Stats., as follows:

SEC. 8-1-15      UNLAWFUL REMOVAL OF PARKING CITATIONS.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

SEC. 8-1-16      REGISTRATION RECORD OF VEHICLE AS EVIDENCE.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 8-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

SEC. 8-1-17      ACCIDENT REPORTS.

The operator of every vehicle involved in an accident shall within ten (10) days after such accident file with the Police Department a copy of the report required by Section 346.70 of the Wisconsin Statutes, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73 of the Wisconsin Statutes, specifically that accident reports filed under this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Section 346.73, Wis. Stats. Such reports shall not be used as evidence in any trial or proceeding.

SEC. 8-1-18      SCHOOL BUS WARNING LIGHTS.

Notwithstanding the provisions of Section 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 8-1-1 to the contrary, school bus operators shall use flashing red warning lights in residential and business

districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

SEC. 8-1-19            OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS AND RAMPS.

- (a) UNLICENSED OPERATORS PROHIBITED. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) TRAFFIC REGULATIONS APPLICABLE. All provisions of Section 8-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use of the general public for parking or vehicular travel.

SEC. 8-1-20            DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.

- (a) No driver of any vehicle, including motorcycles, all-terrain vehicles and bicycles, shall cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the public peace.
- (b) COMPRESSION ENGINE BRAKES PROHIBITED. No person shall use motor vehicle brakes within the Village that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof.
  - (1) DEFENSE. It shall be an affirmative defense to prosecution under this ordinance that compression brakes were applied in an emergency and were necessary for the protection of persons or property.
  - (2) EMERGENCY VEHICLES. Emergency vehicles shall be exempt from this ordinance.

SEC. 8-1-21            REMOVAL OF ILLEGALLY PARKED VEHICLES.

- (a) HAZARD TO PUBLIC SAFETY. Any vehicle parked, stopped or standing upon a highway in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) REMOVAL BY OPERATOR. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) REMOVAL BY TRAFFIC OFFICER. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) REMOVAL BY PRIVATE SERVICE. The officer may order a motor carrier

holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

- (e) TOWING AND STORAGE CHARGES. In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay reasonable cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

SEC. 8-1-22            INOPERABLE, WRECKED OR DISCARDED VEHICLES.

- (a) STORAGE PROHIBITED. No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, parking lot or ramp longer than seventy-two (72) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 8-1-21.
- (b) EXEMPTIONS. This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

SEC. 8-1-23            UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

- (a) PURPOSE
  - (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life, and improvement to the lands; and
  - (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
  - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
  - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) DEFINITIONS. For purposes of this Section the terms below shall be



defined as follows:

- (1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
  - (2) Off-Road shall mean any location which:
    - a. Is not a paved or maintained public street or alley; or
    - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
    - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek-bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
  - (3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
  - (4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this ordinance shall not be so defined while:
    - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such land or sites;
    - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
    - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) UNAUTHORIZED OFF-ROAD OPERATION PROHIBITED.
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
  - (2) It shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands.
- (d) PROHIBITED USE OF SNOWMOBILE TRAILS. Except as provided in Subsection (b)(4) above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.

- (a) DEFINITION. For purposes of this Section heavy traffic shall be defined as:
  - (1) All vehicles not operating completely on pneumatic tires, and
  - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than ten thousand (10,000) pounds.
- (b) PROHIBITED ROUTES. Heavy traffic is prohibited from using any Village street or highway not designated as a heavy traffic route. This section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this section.
- (c) ADMINISTRATION. The Director of Public Works in cooperation with the Police Department shall administer this section. Administration shall include:
  - (1) Posting of signs. Appropriate signs shall be posted giving notice of this section and of the heavy traffic routes established herein;
  - (2) Maps. Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners;
  - (3) Construction equipment.
    - a. The Director of Public Works may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
    - b. Village owned or operated equipment is specifically excluded from the provisions of this section.
- (d) LIABILITY. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) ROUTES DESIGNATED. The following streets in the Village are hereby designated as heavy traffic routes:
  - (1) State Highway 22
  - (2) State Highway 44
  - (3) County Trunk Highway P

SEC. 8-1-25      U-TURNS PROHIBITED.

- (a) At the intersection of Lake Street and Main Street.
- (b) At the intersection of Lake Street and Second Street.
- (c) At any place where signs prohibiting such turn have been erected by the Director of Public Works.

SEC. 8-1-26      BLUE WARNING LIGHTS ON POLICE VEHICLES.

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Section 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.
- (c) The Village shall give notice of its intent to equip its police vehicles with flashing, oscillating or rotating blue lights as a Class 2 notice under Chapter 985, Wis. Stats., at least ninety (90) days before so equipping the first police vehicle.

SEC. 8-1-27      STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.

- (a) ADMINISTRATIVE REGULATIONS ADOPTED. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code - MVD 3	Reciprocity - Nonresident Motor Carriers
[Penalties of Wis. Stats. §341.04 apply]	
Wis. Adm. Code - MVD 4	Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code - MVD 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - MVD 17	Transportation of School Children
Wis. Adm. Code - MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) NON-COMPLIANCE PROHIBITED. No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Section 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 8-1-1 of this Chapter.
- (c) OWNER'S LIABILITY. Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Section 347.04, Wis. Stats., relating to non-applicability of demerit points, shall apply to owners convicted of violation of this Section.
- (d) SAFETY CHECKS.
  - (1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are Traffic and Parking necessary to determine whether the vehicle meets the requirements of this Section, or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
  - (2) Authority of Officer. Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
  - (3) Vehicle to be Removed From Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated; except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under Section 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (e) PENALTY. Penalty for violation of any provision of this Section including the provisions of the Wisconsin Administration Code, incorporated herein by reference, shall be as provided in Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

SEC. 8-1-28      PENALTIES.

- (a) FORFEITURE PENALTY. The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together

with court costs and fees prescribed by Sections 8 14.63(1) and (2) or 8 14.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Section 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment there- for and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.

(b) OTHER SANCTIONS.

- (1) By Court. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) By Municipality. No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village Clerk, except dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.

(c) FORFEITURES FOR VIOLATION OF MOVING TRAFFIC REGULATIONS.

Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 8-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 348, Wis. Stats. for which an imprisonment penalty or fine may be imposed upon the defendant.

(d) FORFEITURES FOR PARKING VIOLATIONS.

- (1) Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses. Minimum and maximum forfeitures for violation of non-moving traffic violations adopted by reference in Section 8-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as provided for the comparable state non-moving traffic violation.
- (2) Penalty for Other Parking Violations. The penalty for all other parking violations not included under Subsection (1) above shall be a forfeiture of not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars for the first offense and not less than Five (\$5.00) Dollars nor more than Two Hundred (\$200.00) Dollars for the second offense within two (2) years.

(e) OTHER VIOLATIONS. Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Five (\$5.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

- (a) ENFORCEMENT PROCEDURES. How enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (b) CITATIONS.
  - (1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
  - (2) Parking Citations. The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. When approved by the Village Board, such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 8-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.
- (c) DEPOSITS AND STIPULATIONS.
  - (1) Moving Traffic Offenses.
    - a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to Traffic and Parking make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Section 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Section 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Section 345.11 of the Wisconsin Statutes and may be accepted within five (5) days of the date of the alleged violation. Stipulations may be accepted by the Clerk of Circuit Court and by the Police Department.
    - b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Section 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited

penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed within five (5) days of the issuance of the citation in lieu of court appearance to the office of the Police Department or Clerk of Circuit Court as directed by the arresting officer.

- c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Section 345.11 of the Wisconsin Statutes. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the Clerk of Circuit Court.

(2) Non-moving Traffic Offenses.

- a. Direct Payment of Penalty Permitted. Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum penalty specified for the violation. If not so forwarded, the penalty may be discharged by forwarding within fifteen (15) days of the date of the citation to the above named office the amount of Fifteen Dollars (\$15.00). When payment is made as provided in this paragraph, no court costs shall be charged.
- b. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney.
- c. Registration suspension. If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation, or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
- d. Deposits Returned to Village Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Clerk-Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.

- e. Bond. Any officer accepting deposits or forfeited penalties under the ordinance shall deliver them to the Clerk of Circuit Court within twenty (20) days after receipt. Any officer authorized to accept deposits under Sec. 345.26, Wis.Stats., or this Section shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) Registration Suspension Program.
- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Admin. Code Trans. 128 and all amendments or changes there to.
  - b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Admin. Code Trans. 128. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
    - 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
    - 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
    - 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
    - 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
  - c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this subsection.
  - d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
  - e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.



## CHAPTER 2

### Bicycles, Skateboards and Skating Devices

§ 8-2-1	Manner of Operation Restricted
§ 8-2-2	Lighting Equipment
§ 8-2-3	Warning Signal Required
§ 8-2-4	Parking a Bicycle
§ 8-2-5	Riding Abreast Prohibited
§ 8-2-6	Rules of the Road
§ 8-2-7	Inspection and Registration of Bicycles
§ 8-2-8	Skateboards, Skating Devices and Electric Toys
§ 8-2-9	Physical Assistance Devices

#### SEC. 8-2-1      MANNER OF OPERATION RESTRICTED.

- (a) TRICK RIDING: No bicycle shall be allowed to proceed in any street or sidewalk in the Village by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street or sidewalk in the Village nor shall any bicycle rider carry or ride any other person so that two persons are on the bicycle at one time, unless a seat is provided for a second person.
- (b) SIDEWALK OPERATION: (amended 11-15-05)
- (1) The operation of bicycles on public sidewalks is prohibited in the C1 Business District, with the exception of children age 10 and under.
  - (2) The operation of bicycles on the public sidewalks other than those in Subsection (b)(1) is permitted provided that every person operating a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing another rider or pedestrian proceeding in the same direction.

#### SEC. 8-2-2      LIGHTING EQUIPMENT.

No person shall operate a bicycle upon a highway during the hours of darkness unless equipped as required in sec. 346.8 1, Wis. Stats.

#### SEC. 8-2-3      WARNING SIGNAL REQUIRED. (amended 1-15-08 Section 8-2-3 is hereby repealed

#### SEC. 8-2-4      PARKING A BICYCLE.

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

SEC. 8-2-5

RIDING ABREAST PROHIBITED.

Persons riding or using bicycles or other similar vehicles along or upon any public street, avenue, lane, alley, or other public road, ground or way within the Village shall not ride more than two abreast excepting in a general parade or public demonstration.

SEC. 8-2-6

RULES OF THE ROAD.

The provisions of Ch. 346, Wis. Stats., shall be applicable to the operation of bicycles where appropriate.

SEC. 8-2-7

INSPECTION AND REGISTRATION OF BICYCLES.

Amended 01-21-03

- (a) REGISTRATION REQUIRED. No person shall operate a bicycle upon any street or public highway within the Village of Pardeeville unless said bicycle shall first have been properly registered and tagged as hereinafter provided.
- (b) FORM OF REGISTRATION. Every owner or operator of a bicycle within the Village shall, prior to operation, file with the Police Department a complete description of such bicycle upon a blank form to be provided for the purpose, which such filing of description shall constitute a registration of such bicycle for the purpose of this section. Such registration shall be serially numbered and kept on file by the Police Department in his office as a public record.
- (c) IDENTIFICATION TAG. Immediately upon the registration of the bicycle in his office, the Police Department shall cause to be affixed to such bicycle a license tag or sticker, serially numbered to correspond with the registration of each bicycle. Each tag shall thereafter remain affixed to such bicycle unless removed by the Police Department for cause or for replacement with another tag upon re-registration. A fee as set forth in Section 1-1-8 shall be made for the inspection and tagging of any bicycle under the provisions of this Section. Each bicycle license, when issued, shall be valid for two years, expiring on June 30th, or until the licensee shall sell or transfer interest to said bicycle, whichever event first occurs after the license is issued. All newly acquired bicycles shall be registered within thirty (30) days of the date of the date of purchase or acquisition or shall be subject to a penalty in addition to the normal registration fee as set forth in Section 1-1-8.
- (d) INSPECTION. The Police Department may cause to be inspected each bicycle presented for the registration and they shall have the authority to refuse to register and such bicycle found by them to be in unsafe mechanical condition or not equipped as herein required.
- (e) CANCELLATION OF REGISTRATION. The Police Department shall have the authority to suspend the registration and remove the license tag from any bicycle operated contrary to any State Statutes or Village Ordinance, or operated in an unsafe mechanical condition. Such suspension and removal of tags shall continue for a period not to exceed ten (10) days, provided that such registration shall not be

- reinstated or license tag replaced while such bicycle is in an unsafe condition. No parent or guardian of any child shall authorize or knowingly permit such child to violate any provision of this Section.
- (f) CHANGE OF OWNERSHIP. Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation such information shall be reported to the Police Department by the person in whose name the bicycle has been registered.

SEC. 8-2-8                    SKATEBOARDS, ROLLER SKATES/SKIS/BLADES, SCOOTERS  
AND ELECTRIC TOYS (amended 11-15-05)

- (a) SIDEWALK OPERATION:
- (1) The operation of skateboards, roller skates/skis/blades, scooters and electric toys capable of no more than 3 mph on public sidewalks and public parking lots is prohibited in the C1 Business District, with the exception of children age 10 and under.
  - (2) The operation of skateboards, roller skates/skis/blades, scooters and electric toys capable of no more than 3 mph is permitted on the public sidewalks other than those in Subsection (a)(1) provided that every person operating such device on a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing another rider or pedestrian proceeding in the same direction.
  - (3) The operation of skateboards, roller skates/skis/blades, scooters and electric toys on private property is unlawful unless permission has been received from the owner, lessee or person in charge of that property.

SEC. 8-2-9                    PHYSICAL ASSISTANCE VEHICLES (amended 11-15-05)

Operation of Physical Assistance Vehicles is permitted on all sidewalks in all Districts.

## CHAPTER 3

### Snowmobiles

§ 8-3-1	State Snowmobile Laws Adopted
§ 8-3-2	Applicability of Traffic Regulations to Snowmobiles
§ 8-3-3	Speed
§ 8-3-4	Unattended Vehicles
§ 8-3-5	Operation on Sidewalks Prohibited
§ 8-3-6	Snowmobile and Other Off-Highway Vehicle Operation Restricted
§ 8-3-7	Restriction on Operators
§ 8-3-8	Accidents and Accident Reports
§ 8-3-9	Snowmobile Routes and Trails Designated
§ 8-3-10	Penalty
§ 8-3-11	Enforcement

#### SEC. 8-3-1            STATE SNOWMOBILE LAWS ADOPTED.

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

350.01	Definitions.
350.02	Operation of Snowmobiles on or in the Vicinity of Highways.
350.03	Right-of-Way.
350.04	Snowmobile Races, Derbies and Routes.
350.045	Public Utility Exemption.
350.047	Local Utility Exemption.
350.05	Operation by Youthful Operators Restricted.
350.055	Safety Certification Program Established.
350.06	Firearms and Bows.
350.07	Driving Animals.
350.08	Owner Permitting Operation.
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation.
350.12	Registration of Snowmobiles.
350.125	Completion of Application for Registration by Snowmobile Dealers.
350.13	Uniform Trail Signs and Standards.
350.15	Accidents and Accident Reports.
350.17	Enforcement
350.18	Local Ordinances.

350.19 Liability of Landowners.  
350.99 Parties to a Violation.

SEC. 8-3-2            APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Pardeeville in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1), (6), (6m) and (9), Wis. Stats.

SEC. 8-3-3            SPEED.

No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 8-3-9 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.

SEC. 8-3-4            UNATTENDED VEHICLES.

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

SEC. 8-3-5            OPERATION ON SIDEWALKS PROHIBITED.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized by Sec. 8-3-10 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

SEC. 8-3-6            SNOWMOBILE AND OTHER OFF-HIGHWAY VEHICLE OPERATION RESTRICTED.

- (a) OPERATION ON PRIVATE PROPERTY. It shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots, or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by him.
- (b) PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile, or who is under the

- influence of an intoxicant or a dangerous or narcotic drug.
- (c) OPERATION WHILE UNDER INFLUENCE PROHIBITED. Sec. 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.
  - (d) OPERATION IN PARKS. No person shall drive a snowmobile in any park within the Village except upon designated snowmobile trails as shall be designated by the Village Board.
  - (e) WRITTEN CONSENT OF OWNER REQUIRED. The consent required under Sec. 350.10(6), (11), (12) and (13), Wis. Stats., and in Subsection (a) above shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one (I) person, the consent of each must be obtained.

SEC. 8-3-7                    RESTRICTIONS ON OPERATORS.

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

SEC. 8-3-8                    ACCIDENTS AND ACCIDENT REPORTS.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred (\$200) Dollars, every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant in the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

SEC. 8-3-9

SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

- (a) ROUTES DESIGNATED. Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Section 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board. The designated route to be used within the Village limits shall be adopted by resolution by the Village Board, a copy of which shall be on file with the Clerk-Treasurer.
- (b) DECLARING TRAILS CLOSED. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (c) MARKERS TO BE OBEYED. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

SEC. 8-3-10

PENALTY.

Any person who shall violate any provision of this Chapter shall upon conviction thereof forfeit not more than Five Hundred (\$500.00) Dollars together with the costs of prosecution and in default of payment thereof may be imprisoned in the county jail for not exceeding ninety (90) days; provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 8, Chapter 1 of this Code of Ordinances.

SEC. 8-3-11

ENFORCEMENT.

- (a) UNIFORM CITATION FOR HIGHWAY VIOLATIONS. The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) PARKING VIOLATIONS. The special traffic citation described and defined in Title 8, Chapter 1 of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 8-3-1 of this Chapter.
- (c) OTHER VIOLATIONS. All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats. Such deposits shall include a Two (\$2.00) Dollars Clerk's fee and costs of prosecution.
- (d) POLICE DEPARTMENT TO RECEIVE STIPULATIONS AND PENALTIES. Stipulations, forfeited penalties and deposits for obtaining release

from arrest authorized under this Chapter may be accepted at the Police Department offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Village Clerk-Treasurer.

- (e) FORFEITED PENALTIES AND DEPOSITS. Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges there under, required forfeited penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.



## CHAPTER 4

### Abandoned and Junked Vehicles

§ 8-4-1	Abandoned Vehicles; Definitions
§ 8-4-2	Removal and Impoundment of Vehicles
§ 8-4-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
§ 8-4-4	Disposal of Abandoned Vehicles
§ 8-4-5	Report of Sale or Disposal
§ 8-4-6	Owner Responsible for Impoundment and Disposal Costs
§ 8-4-7	Conflict with Other Code Provisions
§ 8-4-8	Junked Vehicles and Appliances on Private Property

#### SEC. 8-4-1        ABANDONED VEHICLES; DEFINITIONS.

- (a) ABANDONMENT OF VEHICLES PROHIBITED. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Pardeeville, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Pardeeville or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than seventy-two (72) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) DEFINITIONS. For purposes of this Chapter, the following definitions shall be applicable:
- (1) Vehicle shall mean a motor vehicle, trailer, semitrailer, or mobile home, whether or not such vehicle is registered under Wisconsin Law.
  - (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
  - (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular travel.
- (c) PRESUMPTIONS. For purposes of this Section, the following irrefutable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position seventy-two (72) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said seventy-two (72) hours.
  - (2) Any vehicle left unattended for more than seventy-two (72) hours on any public street or public ground or left unattended for more than seventy-two (72) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be

deemed abandoned under this subsection if left unattended on private property outside of public view or if designated as not abandoned by the Chief of Police.

- (d) EXCEPTIONS. This Section shall not apply to a vehicle in an enclosed building, or a vehicle stored on a premises licensed for storage of junk or junked vehicles, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

SEC. 8-4-2                    REMOVAL AND IMPOUNDMENT OF VEHICLES.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 8-4-3.

SEC. 8-4-3                    REMOVAL, STORAGE, NOTICE, OR RECLAIMER OF ABANDONED VEHICLES.

The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles.

- (a) REMOVAL.
- (1) Any police officer who discovers any motor vehicles, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Pardeeville which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
  - (2) Upon removal of the vehicle the police officer shall notify the Police Chief or his designee of the abandonment and of the location of the impounded vehicle.
- (b) STORAGE AND RECLAIMER. Any abandoned vehicle which is determined by the Police Chief or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Police Chief or his designee determines an abandoned vehicle to have a value of less than One Hundred (\$100) Dollars, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter priced, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Police Chief or his designee to prove an ownership or secured party interest in said vehicle.
- (c) NOTICE TO OWNER OR SECURED PARTY. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned

vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, that the vehicle has been deemed abandoned and impounded by the Village of Pardeeville; the "determined value" of the abandoned vehicle or if the cost of towing and storage charges will exceed the determined value of the vehicle; that if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred (\$100.00) Dollars or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and that the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

SEC. 8-4-4            DISPOSAL OF ABANDONED VEHICLES.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter, may be sold by public auction sale, or public sale calling for the receipt of sealed bids. Class I Notice, including the description of the vehicle, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale, shall be published before the sale.

SEC. 8-4-5            REPORT OF SALE OR DISPOSAL.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle.

SEC. 8-4-6            OWNER RESPONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

SEC. 8-4-7            CONFLICT WITH OTHER CODE PROVISIONS.

In the event of any conflict between this section and any other provisions of the Municipal Code, this Chapter shall control.

(a) STORAGE OF AUTOMOBILES RESTRICTED.

- (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery or appliances shall be stored or allowed to remain in the open upon private property within the Village for a period exceeding ten (10) days unless it is in connection with a properly licensed automotive or appliance sales, repair or storage business enterprise located in a properly zoned area.
- (2) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed three (3) months, after which such vehicles must be enclosed by a screening or live planting to be approved by the Village Board, after an advisory recommendation from the Plan Coin mission.

(b) DEFINITIONS.

- (1) The term "disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers" as used in this section is defined as follows: motor physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates, or other defects.
- (2) The term "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
- (3) The term "motor vehicle" is defined in Section 340.0 1(35), Wis. Stats.
- (4) The term "inoperable appliance" is defined as any stove, washer or refrigerator which is no longer operable in the sense for which it was manufactured.

(c) EXCEPTIONS. This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in rear yard areas. Such business enterprises shall include auto junk yards, auto repair and body shops but shall not include automobile service stations or tire, battery and accessory sales stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to Sections 34 1.265 and 34 1.266, Wis. Stats. In other situations the Chief of Police may issue permits permitting an extension of not to exceed an additional thirty (30) days time to comply with this section where exceptional facts and circumstances warrant such extension.

(d) ENFORCEMENT.

- (1) Whenever the Police Department shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicle or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
  - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded and it shall thereafter be disposed of as prescribed in Sections 8-4-3 through 8-4-6 by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) PENALTY. Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Section 342.40, Wis. Stats.

## CHAPTER 5

### Low Speed Vehicles (created 4-19-11)

- § 8-5-1 Low Speed Vehicles; Definitions
- § 8-5-2 Permitted Users of Low Speed Vehicles
- § 8-5-3 Permitted Use of Low Speed Vehicles on Village Streets
- § 8-5-4 Operation of Low Speed Vehicles
- § 8-5-5 Enforcement

#### SEC. 8-5-1 LOW SPEED VEHICLES; DEFINITIONS

- (a) "Low Speed Vehicle" (LSV) means a motor vehicle that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3(b) and 571.500. Low Speed Vehicle does not include a golf cart.
- (b) LSVs shall be 4-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 2,500 pounds. LSV does not include an electric golf cart and shall have:
  - (1) Headlamps;
  - (2) Front and rear turn signals;
  - (3) Stop lamps;
  - (4) Reflex reflectors; one red on each side as far to the rear as practicable, and one red on the rear;
  - (5) An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;
  - (6) Parking brake;
  - (7) A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);
  - (8) A Vehicle Identification Number (VIN) that complies with federal law (49 CFR 565);
  - (9) A Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.209, and Federal Motor Safety Standard no. 209, for each designated seating position; and
  - (10) Meets the general test conditions under 49 CFR 571.50056.

#### SEC. 8-5-2 PERMITTED USERS OF LOW SPEED VEHICLES

To use an LSV on Village streets as set forth in 8-5-3 below, the individual must have a valid Wisconsin Driver's License.

#### SEC. 8-5-3 PERMITTED USE OF LOW SPEED VEHICLES ON VILLAGE STREETS

A licensed individual may operate an LSV on any roadway within the Village of Pardeeville that has a speed limit of 35 miles per hour or less, regardless of whether the municipality has jurisdiction over the roadway except as limited by State Law and this Section. The Low Speed Vehicle

must have headlamps on at all times while being operated by an individual.

SEC. 8-5-4            OPERATION OF LOW SPEED VEHICLES

The operation of LSVs as permitted herein shall in all respects be in compliance with Chapter 1 of Title 8 of the Village of Pardeeville Code of Ordinances.

SEC. 8-5-5            ENFORCEMENT

Enforcement of this ordinance regulating the use of Low Speed Vehicles within the Village shall be pursuant to Section 1-1-6 of the Village of Pardeeville Code of Ordinances.

## **TITLE 9**

### Offenses and Nuisances

- Chapter 1 State Statutes Adopted
- Chapter 2 Offenses Against Public Safety and Peace
- Chapter 3 Offenses Against Property
- Chapter 4 Obscenity
- Chapter 5 Offenses Involving Alcoholic Beverages
- Chapter 6 Public Nuisances

## **CHAPTER 1**

### State Statutes Adopted

§ 9-1-1 Offenses Against State Laws Subject to Forfeiture.

#### SEC. 9-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 29.288 Throwing Refuse in Waters
- 50.58 Careless Smoking
- 101.123 Smoking Prohibited (adopted June 15, 2010)
- 167.10 Fireworks Regulated
- 175.25 Illegal Storage of Junked Vehicles
- 939.05 Aiding and Abetting
- 939.22 Words and Phrases Defined
- 940.01 Negligent Operation of a Vehicle Off Highway
- 940.19(1) Battery
- 941.03 Highway Obstruction
- 941.10 Negligent Handling of Burning Materials
- 941.12 Interfering With or Failing to Assist in Fire Fighting
- 941.13 False Alarms and Interference with Fire Fighting
- 941.20(1) Reckless Use of Weapon
- 941.22 Possession of a Pistol by a Minor
- 941.23 Carrying Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.33 Hazing
- 941.35 Emergency Telephone Calls
- 941.36 Fraudulent Tapping of Electric Wires or Gas or Water  
Meters or Pipes
- 943.01(1) Criminal Damage to Property
- 943.06 Molotov Cocktails



943.11 Entry Into Locked Vehicle  
943.13 Criminal Trespass to Land  
943.14 Criminal Trespass to Dwellings  
943.20 Theft of Property  
943.21 Fraud on Innkeeper  
943.23 Operating Vehicle Without Owners' Consent  
943.24 Worthless Checks  
943.34 Receiving Stolen Property  
943.37 Alteration of Property Identification Marks  
943.38(3) Forgery  
943.41 Credit Card Crimes  
943.50 Retail Theft  
944.20 Lewd and Lascivious Behavior  
944.21 Lewd, Obscene, or Indecent Matter, Pictures and Performances  
944.23 Making Lewd, Obscene or Indecent Drawings  
944.30 Prostitution  
944.31 Patronizing Prostitutes  
944.33 Pandering  
944.34 Keeping Place of Prostitution  
945.01 Definitions Relating to Gambling  
945.02 Gambling  
945.03 Commercial Gambling  
945.04 Permitting Premises to be Used for Commercial Gambling  
946.40 Refusing to Aid Officer  
946.41 Resisting or Obstructing Officer  
946.42 Escape  
946.65 Obstructing Justice  
946.69 Falsely Assuming to Act as Public Officer or Employee  
946.70 Impersonating Peace Officer  
946.72 Tampering with Public Records and Notices  
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## CHAPTER 2

### Offenses Against Public Safety and Peace

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#### SEC. 9-2-1            REGULATION OF FIREARMS.    (Amended 3/20/12 and 9/17/13)

- (a) No person, except a sheriff, police officer or other law enforcement officer, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, except as provided in 9-2-3, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container and unless otherwise allowed by State Statute.
- (b) No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village.
- (c) This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Chief of Police and Village Board where proper safety precautions are taken.
- (d) No person under the age of sixteen (16) years shall have in his possession any fire arm, rifle, or ammunition therefore, unless accompanied by parent or legal guardian, unless the juvenile has complied with and been certified with the standards set down by the Department of Natural Resources in the Hunters Safety Course offered to fourteen (14) years old and older juveniles.
- (e) Archery Hunting Requirements. Archery hunting is allowed within the

village limits in compliance with the Wisconsin Department of Natural Resources archery hunting regulations and safe hunting practices, and only during the time periods established by the DNR. Hunting on publicly owned property is prohibited within the village limits. Other than the land owner or an immediate family member, a person must possess written permission from the property owner to hunt on the land. Archery hunter must also obtain permission from adjoining property owners prior to retrieving game. The hunter must hunt from an elevated stand or platform positioned at least 8 feet above ground level. Hunting within 150 yards of any occupied building or structure is strictly prohibited.

- (f) Penalties. Any person who violates any of the provisions of this ordinance may be subject to a forfeiture of no more than \$500 for the first offense and no more than \$1000 for the second and subsequent offenses. Each day that a violation occurs shall be considered a separate offense.

SEC. 9-2-2                    CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.                    (Amended 3/20/12)

- (a) CONCEALED WEAPONS. No person, except a sheriff, constable, police officer or other law enforcement officer shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, cross knuckle of lead, brass or other metal, bowie knife, switchblade, dirk, or dagger or any other dangerous or deadly weapon within the Village except as otherwise allowed by State Statute. In all cases of conviction hereunder, any and all dangerous Offenses Against Public Safety and Peace weapons found on the person of the convicted shall be confiscated and become the property of the Village and may be destroyed by order of the court.
- (b) POSSESSION, SALE AND MANUFACTURE OF CERTAIN WEAPONS PROHIBITED.
- (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Suebal" or similar weapon, within the Village of Pardeeville.
  - (2) For the purpose of this Section the following definitions shall apply:
    - a. "Numchuk" or "Nunchaku." An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.
    - b. "Churkin." Around throwing knife consisting of several sharp points protruding from a rounded disc.
    - c. "Suebai." A short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
  - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

SEC. 9-2-3                    THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw any

dangerous missile, object, arrow, stone, snowball or other missile in or at any dwelling or building or any public park, playground, street, enclosure or other public place within the Village, provided, however upon written application to the Chief of Police, a person may be granted permission by the Chief of Police to construct and maintain approved archery ranges if in the opinion of the Chief of Police and the Village Board the construction of such ranges will in no way endanger the public health and safety.

SEC. 9-2-4            HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever of the following shall be subject to the penalty as provided in this Code of Ordinances:

- (a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
- (b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
- (c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
- (d) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
- (e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this section;
- (f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number of numbers.

SEC. 9-2-5            SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

PRIVATE USE AND SALE. No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 8, of this Municipal Code. The term "fireworks" as used in this section shall be defined as provided in Section 167.10(1), Wisconsin Statutes, and shall be deemed to include all rockets or similar missiles containing explosive fuel.

SEC. 9-2-6            OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) OBSTRUCTING STREETS. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hail or meeting place.
- (b) BLOCKING SIDEWALK PROHIBITED. No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on

adjacent property or on the street.

- (c) FREE SPEECH. This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.
- (d) DEFINITIONS. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) Block: To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
  - (2) Sidewalk: Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 9-2-7                    REGULATION OF DISPLAY AND SALE OF INSTRUMENTS USED  
FOR INHALING OR INGESTING CONTROLLED SUBSTANCES.

- (a) LICENSE REQUIRED.
  - (1) It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Wisconsin Statutes, without obtaining a license therefore. Such licenses shall be in addition to any or all other licenses held by applicant. The annual fee for such license shall be fifty (\$50.00) Dollars.
  - (2) The following guidelines define, in part, the scope of the Offenses against Public Safety and Peace terminology in subsection (1) above of 'items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs':
    - a. "Paper" - White paper or tobacco-oriented paper not necessarily designed for use with illegal cannabis or drugs may be displayed under this Section. Other paper of colorful design, names oriented for use with illegal cannabis or drugs and displayed are covered by this Section and are unlawful to sell.
    - b. "Roach Clips" - Roach clips are designed for use with illegal cannabis or drugs and therefore covered by this Section and are unlawful to sell.
    - c. "Pipes" - Pipes if displayed away from the proximity of nonwhite paper or tobacco-oriented paper and not displayed within proximity of roach clips or literature encouraging illegal use of cannabis or illegal drugs are not covered by this Section; otherwise covered.
    - d. "Paraphernalia" - Paraphernalia if displayed with roach

clips or literature encouraging illegal use of cannabis or illegal drugs is covered by this Section and is illegal to sell

- (b) APPLICATION. Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall be accompanied by affidavits by the applicant, and each and every employee authorized to sell such items, that such person has never been convicted of a drug-related offense.
- (c) MINORS. It shall be unlawful to sell or give items as described in Subsection (a) in any form to any male or female minor under eighteen (18) years of age.
- (d) RECORDS. Every licensee shall keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold. This record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee. Such records shall be retained for not less than two (2) years.

SEC. 9-2-8

LOITERING PROHIBITED.

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 Section 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.

SEC. 9-2-9

LOUD AND UNNECESSARY NOISE PROHIBITED.

- (a) LOUD AND UNNECESSARY NOISE PROHIBITED. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.
- (b) TYPES OF LOUD AND UNNECESSARY NOISES. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:
  - (1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by

means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) Animals, birds. The keeping of any animal or bird which by causing frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffler or other device which will effectively prevent loud or explosive noises there from.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Clerk-Treasurer shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous

signs are displayed in those streets indicating a school, hospital or court street.

(9) The provisions of this section shall not apply to:

- a. Any vehicle of the Village while engaged in necessary public business.
- b. Excavations or repairs of streets or other public construction by or on behalf of the Village, County, State at night when public welfare and convenience renders it impossible to perform such work during the day.
- c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

(c) STATIONARY NOISE LIMITS.

(1) Maximum Permissible Sound Levels.

- a. Noise from a stationary source shall not exceed the following standards for maximum sound pressure levels measured at the property line:

<u>Zone</u>	<u>Noise Rating-Daytime</u>	<u>Noise Rating-Nighttime</u>
Residential	60 db	50 db
Commercial	70 db	70 db
All Other Zones	75 db	75 db

- b. Ambient noise is the all-encompassing noise associated with a given source, usually being a composite of sounds with many sources near and far, but excluding the noise source being measured. Ambient noise is a factor and the subject noise shall exceed the ambient noise by 5 db in any octave band to be designated excessive.
- c. Pure tones and impulsive noises are factors. Five noise rating numbers shall be taken from the table in Subsection "a" above, if the subject noise consists primarily of a pure tone or if it is impulsive in character.

- (2) Construction Noise. Construction equipment in any zone may be operated between the hours of 7:00 a.m. to 7:00 p.m. provided that said equipment does not exceed a maximum sound pressure level of 80 dB(a) measured at the property line of the location at which said equipment is in use.
- (3) Noise in Residential Districts. In Residential Zones, the person in violation of this Section shall be ordered to reduce the sound pressure to acceptable levels immediately by the monitoring officer.
- (4) Operation of Certain Equipment. Lawnmowers, chainsaws, powered garden equipment, electric insect killing/repelling devices, and other non-construction maintenance equipment shall be operated only during the hours between 7:00 a.m. and 9:00 p.m. unless within the specified noise levels measured at the property line of the location at which said equipment is in use.
- (5) Exemptions. Operation of emergency equipment shall be exempt from this Chapter. Snowblowers not operated on a commercial basis shall be exempt from this Chapter when used to gain access to a Village street. Emergency equipment shall include ambulance, police, fire, snow removal, civil defense sirens, etc., necessary for the health, safety, and protection of the citizens of the Village.



- (6) Methods of Measuring Noise.
  - a. Equipment. Noise measurement shall be made with a sound level meter.
  - b. Location of Noise Meter. Noise measurement shall be made at the nearest lot line of the premises from which a noise complaint is received. The noise meter shall be placed at a height of at least three (3) feet above the ground and at least three (3) feet away from walls, barriers, obstructions, and all other sound reflective surfaces.
- (7) Control of Nighttime Noise Emitted From Residential Air Conditioners.
  - a. No person shall install, operate, or use any residential air-conditioner which creates a noise level in a sleeping room in any dwelling unit located on any adjacent premises in the excess of five decibels above the ambient noise level at the location being measured.
  - b. Upon receiving a complaint, the Police Department will conduct a noise survey through the use of a sound level meter. The sound pressure level should be measured in a sleeping room in the complainants premises with the sound level measuring microphone placed three (3) feet from an open window nearest to the source of the noise and not less than three (3) feet above the floor of the room in which the measurement is made.
- (8) Appeals. The Village Board may grant an exemption to individuals proving evidence of substantial hardship. Evidence that reasonable technological attempts have been made to correct the problem shall be considered grounds for granting an exemption to this Chapter for existing industries.

SEC. 9-2-10      DISORDERLY CONDUCT.

- (a) DISORDERLY CONDUCT PROHIBITED. No person, within the Village of Pardeeville, shall:
  - (1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
  - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
- (b) DISORDERLY CONDUCT WITH MOTOR VEHICLE. No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine, or by emitting unnecessary and loud muffler noise.
- (c) DEFECATING OR URINATING IN PUBLIC PLACES. It shall be unlawful for any person to defecate or urinate, outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings.

SEC. 9-2-11

POSSESSION OF MARIJUANA PROHIBITED.

- (a) DEFINITIONS. For the purpose of this section, the following definitions shall apply:
- (1) "Marijuana" means all parts of the plant Cannabis Sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
  - (2) "Practitioner" means:
    - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
    - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this Village.
- (b) It is unlawful for any person to possess and/or use marijuana, unless the marijuana was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by Chapter 16 1, Wisconsin Statutes.

SEC. 9-2-12

UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

- (a) It shall be unlawful for any person, except as provided in subsection (b) hereof, to be present in, loiter or enter into any public school building, school parking lot or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
- (b) This Section shall not apply to:
- (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof, to leave the school building or school grounds;
  - (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this except shall apply only to the portion of the premises on which such facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
  - (3) Parents or legal guardians of a regularly enrolled student.

However, such parent or legal guardian may be required to register at the school office.

- (c) The exceptions set forth in subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
- (d) All entrances to the school buildings shall be posted with a notice stating "Entry Into School Building by Unauthorized Persons Prohibited." All school grounds shall be posted with a notice stating "Entry Upon School Grounds by Unauthorized Persons Prohibited."

SEC. 9-2-13            POSSESSION OF FIREARMS IN PUBLIC BUILDINGS AND BUSINESS ESTABLISHMENTS PROHIBITED.

- (a) DEFINITIONS.
  - (1) "Firearm" means any rifle, shotgun, handgun, spring gun, air gun or bow and arrow device.
  - (2) "Law enforcement officer" means any person employed by the state or any political subdivision of the state for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.
- (b) No person, except a law enforcement officer, within the scope of his duties, shall have in his or her possession, carry or bear any firearms within any publicly owned building or business establishment open to the public within the Village, including establishments with Class "A" or "B" alcoholic beverage licenses.
- (c) This section shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell or trade firearms to or from a retailer.

SEC. 9-2-14            CURFEW (Amended 10-21-03 and 10-21-14)

- (a) It shall be unlawful for any person under eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Pardeeville between the hours of 10:00 p.m. and 5:00 a.m. Sunday through Thursday, or between the hours of 11:00 p.m. and 5:00 a.m. Friday and Saturday, unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefore. The fact that said child, unaccompanied by parent, guardian, or other person having legal custody, is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists there for.
- (b) EXCEPTIONS.
  - (1) This section shall not apply to a child:
    - a. Who is performing an errand as directed by his parent, guardian or person having lawful custody.
    - b. Who is on his own premises or in the areas immediately

adjacent there to.

- c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
- d. Who is returning home from a supervised school, church or civic function.

(2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

- (c) It shall be unlawful for any parent, guardian, or other person having the lawful care, custody and control of any person under the age of eighteen (18) years of age to allow or permit such person to violate the provisions of (a) and (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this ordinance occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian, or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under the age of eighteen (18) years to violate this section.
- (d) It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under the age of eighteen (18) years of age to loiter, loaf, or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control of any place of amusement, entertainment, refreshment or other place of business during the hours prohibited by this section shall find persons under the age of eighteen (18) years of age loitering, loafing, or idling in such place of business, he shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the police department and inform them of the violation.
- (e) Every law enforcement officer is hereby authorized to detain any minor violating the provisions of above, until such time as the parent, guardian, or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her. If no response is received, the Police shall take whatever action is deemed necessary, in the best interest of the minor.
- (f) GENERAL PENALTY.
  - (1) Any parent, guardian or person having legal custody of a child described in Subsection (a) and (e) who has been previously warned and who thereafter violates any of the provisions of this section shall be subject to a penalty as provided in Sec. 1-1-6 of this Municipal Code. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this ordinance because of the disobedience of the child, the action

- shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.
- (2) Any child who violates this section after being detained and released under Subsection (e) shall be dealt with under Chapter 48, Wis. Stats.

SEC. 9-2-15            FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 9-2-16            CHILD ENTICEMENT.

It shall be unlawful for any person eighteen (18) years of age or over, who does not have legal authority or the consent of the parent or legal guardian, to attempt or complete the act of enticing, luring or coercing Offenses Against Public Safety and Peace a child below the age of fifteen (15), into a vehicle, building, room or secluded place by offering gifts, using unreasonable requests, language or gestures. An unreasonable request shall include, without limitation because of enumeration, offers to help move furniture, clean, babysit, or see or play with pets or toys. No arrest shall be made for a violation of this Section unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Section if it appears at trial that the explanation given was reasonable and disclosed a lawful purpose.

SEC. 9-2-17            SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.

(a) DEFINITIONS. In this Section:

- (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
- (2) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
- (3) Firearm means a weapon that acts by force of gunpowder.
- (4) Highway has the meaning given under Sec. 340.0 1(22), Wis. Stats.
- (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
- (6) Roadway has the meaning given under Sec. 340.0 1(54), Wis. Stats.
- (7) Unloaded means any of the following:
  - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
  - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
  - c. In the case of a flint lock muzzle-loading firearm, having the flash pan cleaned of powder.
- (8) Vehicle has the meaning given under Sec. 340.0 1(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.0

1(58a), Wis. Stats.

(b) PROHIBITIONS; MOTORBOATS AND VEHICLES; HIGHWAYS AND ROADWAYS.

- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) Except as provided in Subsection (c) (1) and (5), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet of the center of a roadway.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One hundred (\$100.00) Dollars.

(c) EXCEPTIONS.

- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
  - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
  - b. A member of the U.S. armed forces.
  - c. A member of the national guard.
- (2) Subsections (b) (1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsection (b) (2) and (3) does not apply to the holder of a permit under Sec. 29.09(9), Wis. Stats., who is hunting from a standing automobile in accordance with that subsection.
- (4) Subsection (b) (2) does not prohibit a person from leaning an unloaded firearm against a vehicle.
- (5) Subsection (b) (4) does not apply to a person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shot shell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

SEC. 9-2-18

USE OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS.

(a) DEFINITIONS. In this Section:

- (1) Cigarettes has the meaning as given in Section 139.30(i) of the Wisconsin Statutes.
- (2) Law Enforcement Officer has the meaning as given in Section

30.50(4s) of the Wisconsin Statutes.

- (3) Tobacco Products has the meaning as given in Section 139.75(12) of the Wisconsin Statutes.
- (b) PROHIBITION. Except as provided in Subsection (c), no child may do any of the following:
  - (1) Buy or attempt to buy any cigarette or tobacco product.
  - (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
  - (3) Possess any cigarette or tobacco product.
- (c) EXCEPTIONS. A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Section 134.65(1), Wis. Stats.
- (d) SEIZURE OF TOBACCO PRODUCTS. A law enforcement officer shall seize any cigarette or tobacco product involved in violation of Subsection (6) committed in her or his presence.
- (e) PENALTY. Any child violating the provisions of this section shall, upon conviction of a violation, be subject to the penalties as prescribed by Section 1-1-6 of the Village of Pardeeville Code of Ordinances.

SEC. 9-2-19

POSSESSION OF DRUG PARAPHERNALIA

The Village of Pardeeville does hereby adopt by reference Sec., 161.571, 161.572, 161.573, 161.574, and 161.575, Wis. Stats., relative to possession of drug paraphernalia, manufacture and/or delivery of drug paraphernalia, delivery of drug paraphernalia to a minor and advertisement of drug paraphernalia. Any future amendments, revisions or modifications to these particular statutes are incorporated herein by reference and are intended to be made part of this Code. A violation of this Section shall be punishable pursuant to the general penalty provisions in Section 1-1-6 of the Village of Pardeeville Code of Ordinances. In addition, any drug paraphernalia used in violation of this action shall be seized and forfeited to the Village. (4/20/99)

SEC. 9-2-20

TRUANCY

- (a) DEFINITIONS:
  - (1) "Dropout" has the meaning given in Sec. 118.153(1)(b) Wis. Stats.
  - (2) "Habitual truant" has the meaning given in Sec. 118.16(1)(a) Wis. Stats.
  - (3) "Operating privilege" has the meaning given in Sec. 340.01(40) Wis. Stats.
  - (4) "Truant" means a pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16(4) Wis. Stats. for part or all of any day on which school is held during a school semester.
- (b) NO PERSON UNDER 18 YEARS OF AGE SHALL BE A TRUANT. If a person under 18 years of age is found a truant, the following dispositions are available to the Municipal Court:
  - (1) An order for the person to attend school.

- (2) A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second (2nd) or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938-37 Wis. Stats and subject to a maximum cumulative forfeiture amount of not more than \$500.00 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
- (c) NO PERSON UNDER 18 YEARS OF AGE SHALL BE A HABITUAL TRUANT. If a person under 18 years of age is found a habitual truant, the following dispositions are available to the Municipal Court:
- (1) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the Department of Transportation together with a notice stating the reason for and the duration of the suspension.
  - (2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Sec. 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000.00 for any act or omission by or impacting on that person.
  - (3) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
  - (4) An order for the person to attend an educational program described in Sec. 938.34(d) Wis. Stats.
  - (5) An order for the department of workforce development to revoke, under Sec. 103.72, a permit under Sec. 103.72 Wis. Stats., a permit under Sec. 103.70 Wis. Stats. authorizing the employment of the person.
  - (6) An order for the person to be placed in a teen court program as described in Sec. 938.342(1g)(f).
  - (7) An order for the person to attend school.
  - (8) A forfeiture of not more than \$500.00 plus costs, subject to Sec. 938.37 Wis. Stats. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
  - (9) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults.



- (10) An order placing the person under formal or informal supervision, as described in Sec. 938.34(2), for up to one year.
  - (11) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.
- (d) A COURT MAY SUSPEND THE OPERATING PRIVILEGES of a person who is at least 16 years of age but less than 18 years of age and is a dropout. The court may suspend the person's operating privilege until the person reaches the age of 18.

## CHAPTER 3

### Offenses Against Property

- § 9-3-1 Destruction of Property Prohibited
- § 9-3-2 Littering Prohibited
- § 9-3-3 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
- § 9-3-4 Abandoned Refrigerators Prohibited
- § 9-3-5 Retail Theft
- § 9-3-6 Storage of Junk, Etc., Regulated
- § 9-3-7 Issuance of Worthless Checks
- § 9-3-8 Theft of Library Material
- § 9-3-9 Damaging or Tampering With Coin Machines
- § 9-3-10 Damage to Public Property
- § 9-3-11 Disturbing Cemetery Property
- § 9-3-12 Penalties

#### SEC. 9-3-1            DESTRUCTION OF PROPERTY PROHIBITED.

- (a) No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the Pardeeville School District, or to any private person, without the consent of the owner or proper authority.
- (b) Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed One Thousand (\$1,000.00) Dollars.

#### SEC. 9-3-2            LITTERING PROHIBITED.

- (a) LITTERING PROHIBITED. No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys highways, public parks or other property of the Village, or upon property within the Village owned by the Pardeeville School District or any private person, or upon the surface of any body of water within the Village.
- (b) LITTER FROM CONDUCT OF COMMERCIAL ENTERPRISE.
  - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
  - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
  - (3) Litter picked up at litterer's expense. If any person, firm,

corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty (20%) percent for administrative expenses, shall be charged to the person, firm, corporation or association that did the Offenses Against Property littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

(c) DUMPING OF REFUSE AND GRASS IN GUTTERS. No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.

(d) HANDBILLS.

(1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising matter to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building or vehicle so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

(2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising matter or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

SEC. 9-3-3            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 fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

SEC. 9-3-4            ABANDONED REFRIGERATORS 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 without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is

securely locked or fastened.

SEC. 9-3-5            RETAIL THEFT.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession, or the full purchase price may be penalized as provided in subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) PENALTY. If the value of the merchandise does not exceed One Hundred (\$100) Dollars, any person violating this Section shall forfeit not more than Two Hundred (\$200) Dollars. If the value of the merchandise exceeds One Hundred (\$100) Dollars, this Section shall not apply and the matter shall be referred to the County District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

SEC. 9-3-6            STORAGE OF JUNK, ETC., REGULATED.    Amended 01-15-13

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 except in an enclosure which houses such property from public view, or upon permit issued by the Village Board. The Chief of Police may require by written order any premises violating this Section 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.

Cross-Reference: Title 8, Chapter 4.

SEC. 9-3-7

ISSUANCE OF WORTHLESS CHECKS.

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred (\$500.00) Dollars which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that at the time of issuance, the person did not have an account with the drawee; or
  - (2) Proof that at the time of issuance, person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - (3) Proof that when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) Any person violating any provisions of this Section shall forfeit not less than Fifty (\$50.00) Dollars if the worthless check is for an amount equal to or less than One Hundred Fifty (\$150.00) Dollars and shall forfeit not less than One Hundred (\$100.00) Dollars if the worthless check is an amount greater than One Hundred Fifty (\$150.00) Dollars and less than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment, imprisonment in the Columbia County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

SEC. 9-3-8

THEFT OF LIBRARY MATERIAL.

- (a) DEFINITIONS. For the purposes of this section, certain words and terms are defined as follows:
  - (1) Archives. A place in which public or institutional records are systematically preserved.
  - (2) Library. Means any public library, library of an educational or historical organization or society, or museum, specifically, but not limited to, the Pardeeville Public Library.
  - (3) Library Material Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) POSSESSION WITHOUT CONSENT PROHIBITED. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any

library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last known address of the person with the overdue material; the notice date shall be the date of mailing.

- (c) CONCEALMENT. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so  
Offenses against Property concealing the material
- (d) DETENTION BASED ON PROBABLE CAUSE. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section articles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) DAMAGING MATERIAL PROHIBITED. No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) RETURN DEMANDED. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the Library.

State Law Reference: Section 943.6 1, Wis. Stats.

SEC. 9-3-9

DAMAGING OR TAMPERING WITH COIN MACHINES.

- (a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
- (b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository

box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

SEC. 9-3-10            DAMAGE TO PUBLIC PROPERTY.

- (a) DAMAGING OF PUBLIC PROPERTY. All persons are hereby prohibited from breaking or otherwise injuring any tree, shrub or plant; breaking, soiling or defacing any fountain, statue or other ornamental structure; or in any way injuring, soiling, damaging or defacing any public building or public property in any public park, square, sidewalk or ground in the Village, whether the same shall be owned or held in trust by said Village held in trust for the use of any district of said Village.
- (b) BREAKING OF STREET LAMPS OR WINDOWS. No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.

SEC. 9-3-11            DISTURBING CEMETERY PROPERTY.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences, or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

SEC. 9-3-12            PENALTIES.

In addition to the general penalty of this Code or any other penalty imposed for violation of any section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 9-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes.

## CHAPTER 4

### Obscenity

- § 9-4-1 Exposing Minors to Harmful Materials
- § 9-4-2 Commercial Sexual Gratification

#### SEC. 9-4-1 EXPOSING MINORS TO HARMFUL MATERIALS.

(a) DEFINITIONS. As used in this Section:

- (1) "Minor" means any person under the age of eighteen (18) years.
- (2) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- (3) "Sexual conduct" is defined to be acts of sexual intercourse between humans, normal or perverted, actual or simulated, acts of masturbation, fellatio, cunnilingus, and acts of excretory function, lewd exhibition of the genitals especially in a stimulated condition and sexual relations between humans and animals.
- (4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal
- (5) "Sodomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- (6) "Harmful to minors means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sodomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value. Whether a work appeals to the prurient interest and whether it depicts or describes sexual conduct in a patently offensive way, and whether it has serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.
- (7) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:
  - a. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and
  - b. The age of the minor, provided however that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.



- (8) "Knowledge of the minor's age" means:
- a. Knowledge or information that the person is a minor; or
  - b. Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.
- (b) It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors, unless such minor is accompanied by his parent or legal guardian.
- (c) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.
  - (2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in (c)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.
- (d) It shall be unlawful for any person knowingly to admit a minor whom he or she knows or has reason to believe is not his/her child or legal ward to any premises whereon there is exhibited nudity, sexual conduct or sadomasochistic abuse which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.

State Law Reference: Section 944.25, Wis. Stats.

SEC. 9-4-2                    COMMERCIAL SEXUAL GRATIFICATION.

- (a) No person or any legal entity shall offer, make available, permit or in any way participate in the touching of the genitals, pubic area, buttocks, anus or perineum of any person or of the breasts or vulva of a female when such touching can be reasonably construed as being for the purpose of sexual arousal or gratification under circumstances in which it is reasonably expected that money or other consideration will be received therefore.
- (b) No person or any legal entity shall offer, make available, permit or in any way participate in the administration of any form of massage for money or other consideration when the genitals, pubic area, buttocks, anus, perineum, vulva or female breast of the administrator of the massage are not fully covered by opaque material.

## CHAPTER 5

### Offenses Involving Alcoholic Beverages

- § 9-5-1 Outside Consumption
- § 9-5-2 Sale to Underage or Intoxicated Persons Restricted
- § 9-5-3 Underage Persons Presence in Places of Sale; Penalty
- § 9-5-4 Underage Persons; Prohibitions; Penalties
- § 9-5-5 Defense of Sellers
- § 9-5-6 Persons Who Have Attained the Legal Drinking Age;  
False or Altered Identification Cards
- § 9-5-7 Possession of Alcohol Beverages on School Grounds

#### SEC. 9-5-1            OUTSIDE CONSUMPTION.

##### (a) ALCOHOLIC BEVERAGES IN PUBLIC AREAS.

- (1) Regulations. It shall be unlawful for any person to sell or serve, or offer to sell or serve, or to consume, or to carry or expose to view any open container of any alcoholic beverage upon any street, sidewalk, alley, public parking lot, highway, cemetery, or other public area within the Village or on private property without the owners consent. Village owned parks or recreation areas are exempt from this prohibition, except that glass containers are prohibited.
- (2) Exceptions.
  - a. The provisions of this Section may be waived by the Village Board for duly authorized events.
  - b. Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances.

##### (b) DEFINITIONS.

- (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled, or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, which contain one-half of one percent or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term "public area" shall be construed to mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.

#### SEC. 9-5-2            SALE TO UNDERAGE OR INTOXICATED PERSONS RESTRICTED.

##### (a) SALES OF ALCOHOL BEVERAGES TO UNDERAGE PERSONS.

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
- (2) No licensee or permittee may sell vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.
- (b) PENALTIES. A person who commits a violation of Subsection (a) above is subject to a forfeiture of:
  - (1) Not more than Five Hundred (\$500) Dollars if the person has not committed a previous violation within twelve (12) months of the violation; or
  - (2) Not less than Two Hundred (\$200) Dollars nor more than Five Hundred (\$500) Dollars if the person has committed a previous violation within twelve (12) months of the violation.
  - (3) In addition to the forfeitures provided in subparagraphs (1) and (2) above, a court shall suspend any license issued under Title 7 of this Code to a person violating this Section pursuant to Section 125.07(1)(b)3., Wis. Stats.
- (c) SALE OF ALCOHOL BEVERAGES TO INTOXICATED PERSONS.
  - (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
  - (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (d) PENALTIES. Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than one hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars or imprisoned for not more than sixty (60) days or both.

State Law Reference: Section 125.07, Wis. Stats.

SEC. 9-5-3                      UNDERAGE PERSONS PRESENCE IN PLACES OF SALE; PENALTY.

- (a) RESTRICTIONS. An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:
  - (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
  - (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage

- person so entering the premises may not remain on the premises after the purchase.
- (3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums, or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
  - (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
  - (5) Ski chalets, golf clubhouses and private tennis clubs.
  - (6) Premises operated under both a Class "B" or "Class B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
  - (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market as defined in Sec. 125.32(4)(b)1, Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished.
  - (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class "B" or "Class B" premises under this subdivision only if the municipality which issued the Class "B" or "Class B" license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
- (b) PENALTIES. A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than Five Hundred (\$500.00) Dollars.

- (a) Any underage person who does any of the following is guilty of a violation:
  - (1) Procures or attempts to procure alcohol beverages.
  - (2) Knowingly possesses or consumes intoxicating liquor.
  - (3) Enters or is on licensed premises in violation of Section 9-5-3(a).
  - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverages is guilty of a violation.
- (c) Any person violating Subsections (a) or (b) is subject to the following penalties:
  - (1) For a first violation, a forfeiture of not more than Fifty (\$50.00) Dollars, suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
  - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than One Hundred (\$100.00) Dollars, suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
  - (3) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not more than One Hundred Fifty (\$150.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
- (d)
  - (1) If the court orders a person to participate in a supervised work program under Subsection (d), the court shall set standards for the program within the budgetary limits established by the county board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work, and shall be administered by the county department of public welfare or a community agency approved by the court.
  - (2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.
- (e) When a court revokes or suspends a person's operating privilege under Subsection (c), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this

paragraph may not disclose the information to any other person or agency.

- (f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under Sec. 48.344(3), Wis. Stats.
- (g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
- (h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

SEC. 9-5-5                      DEFENSE OF SELLERS.

- (a) DEFENSES. Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:
  - (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
  - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchase had attained the legal drinking age.
  - (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
- (b) BOOK KEPT BY LICENSEES AND PERMITTEES. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this subsection. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

SEC. 9-5-6                      PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE;  
FALSE OR ALTERED IDENTIFICATION CARDS.

- (a) (1) Any person who has attained the legal drinking age, other than one authorized by Section 125.08, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars or imprisoned not less than ten (10) days nor more than thirty (30) days or both.

- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars or imprisoned not more than ten (10) days or both.
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 9-5-4(c) or (d):
  - (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
  - (2) Makes, alters or duplicates an official identification card.
  - (3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Section 125.09(3), Wis. Stats.

SEC. 9-5-7                      POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS

- (a) IN THIS SUBSECTION:
  - (1) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
  - (2) "School" means a public, parochial or private school which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  - (3) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school
  - (4) "School premises" means premises owned, rented or under the control of a school
- (b) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:
  - (1) On school premises;
  - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - (3) While participating in a school-sponsored activity.
- (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred (\$200.00) Dollars, except that Sec. 48.344, Wis. Stats., and Section 9-5-4(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

## CHAPTER 6

### Public Nuisances

- § 9-6-1 Public Nuisances Prohibited
- § 9-6-2 Public Nuisances Defined
- § 9-6-3 Public Nuisances Affecting Health
- § 9-6-4 Public Nuisances Offending Morals and Decency
- § 9-6-5 Public Nuisances Affecting Peace and Safety
- § 9-6-6 Abatement of Public Nuisances
- § 9-6-7 Cost of Abatement

#### SEC. 9-6-1 PUBLIC NUISANCES PROHIBITED.

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

#### SEC. 9-6-2 PUBLIC NUISANCE DEFINED.

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

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- (b) In any way render the public insecure in life or in the use of property;
- (c) Greatly offend the public morals or decency;
- (d) 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.

#### SEC. 9-6-3 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 9-6-2:

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



- (b) UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) BREEDING PLACES FOR VERMIN, ETC. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly-tight.
- (f) NOXIOUS WEEDS. All noxious weeds and other tank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed eight (8) inches.
- (g) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (i) STREET POLLUTION. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) ANIMALS AT LARGE. All animals running at large.
- (k) ACCUMULATIONS OF REFUSE. Accumulations of old cans, lumber, elm firewood and other refuse.

SEC. 9-6-4

PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 9-6-2:

- (a) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) GAMBLING DEVICES. All gambling devices and slot machines.
- (c) UNLICENSED SALE OF LIQUOR AND BEER. All places where

intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.

- (d) CONTINUOUS VIOLATION OF VILLAGE ORDINANCES. Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the state of Wisconsin or ordinances of the Village.

SEC. 9-6-5      PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 9-6-2:

- (a) SIGNS, BILLBOARDS, ETC. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (c) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, sign or signal
- (d) 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.
- (e) TREE LIMBS. All limbs of trees which project over any public sidewalk, street or other public place and present a safety hazard.
- (f) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) FIREWORKS. All use or display of fireworks except as provided by the laws of the state of Wisconsin and ordinances of the

Village.

- (h) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) WIRES OVER STREETS. All wires over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.
- (j) 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 shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (k) 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 Village or 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 do not conform to the permit.
- (l) OPEN EXCAVATIONS. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) ABANDONED REFRIGERATORS. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) FLAMMABLE LIQUIDS. Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- (o) UNREMOVED SNOW. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

SEC. 9-6-6

ABATEMENT OF PUBLIC NUISANCES.

- (a) ENFORCEMENT. The Chief of Police, the Chief of the Fire Department, the 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 shall have 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.
- (b) SUMMARY ABATEMENT. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety,

peace, morals or decency, the Village President may direct the 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.

- (c) ABATEMENT AFTER NOTICE. If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) OTHER METHODS NOT EXCLUDED. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the state of Wisconsin.

SEC. 9-6-7      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 Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## **TITLE 10**

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## **CHAPTER 1**

### Zoning

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§ 10-1-149                    Reserved for Future Use

Article N                    Definitions

§ 10-1-150                    Definitions



## **ARTICLE A**

### Introduction

#### SEC. 10-1-1      AUTHORITY.

These regulations are adopted under the authority granted by Section 6 1.35 and 62.23(7) of the Wisconsin Statutes.

#### SEC. 10-1-2      PURPOSE.

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics, and general welfare of the Village of Pardeeville.

#### SEC. 10-1-3      INTENT.

It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways, secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's general plan or plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

#### SEC. 10-1-4      ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where-ever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

SEC. 10-1-5      INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SEC. 10-1-6      SEVERABILITY.

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SEC. 10-1-7      REPEAL.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

SEC. 10-1-8      TITLE.

This Chapter shall be known as, referred to, or cited as the "Zoning Ordinance" or "Zoning Code," Village of Pardeeville, Wisconsin.

SEC. 10-1-9      EFFECTIVE DATE.

This Chapter shall be effective after a public hearing, adoption by the Village Board of the Village of Pardeeville and publication or posting as provided by law.

**ARTICLE B**

General Provisions

SEC. 10-1-10      JURISDICTION.

The jurisdiction of this Chapter shall include all lands and waters within the limits of the Village of Pardeeville.

SEC. 10-1-11      COMPLIANCE WITH CHAPTER.

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit except minor structures and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.

SEC. 10-1-12      ZONING PERMIT. amended 01-31-03

- (a) The Village Board hereby designates the Clerk-Treasurer as the official to receive, process, and, following approval by the Village Board, issue zoning permits.
- (b) Cases when a zoning permit is required:
  - (1) Before any building or other structure which is the principal permitted use is erected, moved or structurally altered so as to change its use or increase use (floor area) above limits permitted for that district.
  - (2) Before any land use is substantially altered.
  - (3) Before any building or structure is erected or substantially altered which would be a Conditional Use or require a variance regardless of whether principal or accessory use.
  - (4) Before building an accessory structure, even though not intended for human occupancy.
- (c) The permit application shall be made to the Clerk-Treasurer on forms provided by the Village. Applications shall be submitted in duplicate, except that when a site plan approval under Sec. 10-1-14 is required, they shall be submitted in quadruplicate. The application shall include the following information:
  - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.
  - (4) Proposed sewage disposal plan. If Village sewerage service is not available, this plan shall be reviewed by the

Village Engineer who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and state health regulations.

- (5) Proposed water supply plan if Village water service is not available. This plan shall be reviewed by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
- (6) Additional information as may be required by the Village Board, Plan Commission, Village Engineer, and Building, Plumbing or Health Inspectors, including all information required for site plan approval under Sec. 10-1-14 of this Chapter.
- (7) Fee receipt from the Clerk-Treasurer in the amount of  
Set forth in Sections 1-1-8.
- (d) The Clerk-Treasurer shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (e) Upon referral of the application, the Village Board shall schedule a public hearing thereon as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
- (f)
  - (1) Following public hearing, necessary study and investigation, and consideration by and recommendation from the Plan Commission, the Village Board shall render its decision in writing and a copy made a permanent part of the Board's minutes. Such decision shall include an accurate description of the zoning use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on any persons affected by granting the special use permit.
  - (2) A Zoning Permit shall be granted or denied in writing by the Village Board within thirty (30) days or within sixty (60) days of said date when site plan approval or a conditional use permit is required. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (g) When a Zoning Permit does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the special grant may be terminated by action of the Village Board following a public hearing thereon.
- (h) Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if in the opinion of the Village Board such change or addition constitutes a substantial alteration, a public hearing before the Board shall be required and notice thereof be given.

SEC. 10-1-13

OCCUPANCY CERTIFICATES.

- (a) CERTIFICATES REQUIRED. No building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, and no land (except land used for garden or public recreation purposes and land without buildings or structures) that is vacant shall be used for any purpose, until a certificate of occupancy has been issued by the office of the Village Clerk. No change in a use shall be made until a certificate of occupancy has been issued by the Village Clerk-Treasurer, upon the authority of the Building Inspector. Every certificate of occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.
- (b) APPLICATION FOR OCCUPANCY CERTIFICATES. Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use or change in use of land or building shall be made directly to the office of the Village Clerk-Treasurer.
- (c) ISSUANCE OF OCCUPANCY CERTIFICATES. No occupancy certificate for a building or portion thereof hereafter constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected and certified by the office of the Village Clerk-Treasurer to be in conformity with the plans and specifications upon which the zoning certificate was based. The office of the Village Clerk-Treasurer, under such rules and regulations established by such office, may issue a temporary certificate of occupancy for a part of a building.

SEC. 10-1-14

SITE PLAN APPROVAL. Amended 01-21-03

- (a) SITE PLAN APPROVAL. All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one and two-family residences in the R-1, R-2 and R-3 Residential or the Agricultural Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (b) APPLICATION. An application for any such Zoning Permit shall be submitted to the Clerk-Treasurer in quadruplicate. The applicant shall also submit, in quadruplicate, a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) ADMINISTRATION. The Building Inspector shall make a preliminary review of the application and plans, and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Commission to advise whether the application and

plans meet all the requirements applicable thereto in this Chapter. Within forty-five (45) days of its receipt of the application, the Commission shall authorize the Building Inspector to issue or refuse a Zoning Permit. The Building Inspector shall then act on the permit within five (5) days, in accordance with the recommendation of the Commission.

(d) REQUIREMENTS. In acting on any site plan, the Plan Commission shall consider the following:

- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
- (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- (3) The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
- (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.

(e) EFFECT ON MUNICIPAL SERVICES. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(f) FEE FOR SITE PLAN APPROVAL. A fee as set forth in Section 1-1-8 will be charged for the filing of an application for site plan approval. The applicant will also be required to pay the cost of any consultant's reports which may be required by the Plan Commission under Subsection (c) above.

#### SEC. 10-1-15      SITE RESTRICTIONS.

(a) SITE SUITABILITY. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated run-off, inadequate drainage, adverse soil or rock formation, unfavorable



topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission in applying the provisions of the section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Village Board.

- (b) STREET FRONTAGE. All lots shall abut upon a public street, and each lot shall have a minimum street frontage and area as set forth in this Code of Ordinances.
- (c) DEDICATED STREET. No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (d) PRINCIPAL STRUCTURES. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned area developments in accordance with the provisions of this Chapter.
- (e) PRESERVATION OF TOPOGRAPHY. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one 1 vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Plan Commission; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (f) ESTABLISHMENT OF GRADES. (Amended 10-21-03) No person, corporation, or entity shall establish grade for a building erected, structurally altered, or relocated under this ordinance without prior approval of the building inspector. This provision applies to all applications for zoning permits, including one and two-family residences in the R-1, R-2 and R-3 Residential zoning districts.

Elevations for buildings shall be established as based on an average building-to-street height relationship which shall be a minimum of two (2) feet with a front yard/driveway slope range of between 1% and 10% as illustrated within Attachment A of this amendment. The Building Inspector shall review information regarding the building-to-street height relationship within information submitted at the time of the zoning permit request. If the building-to-street height relationship is not provided at the time of the permit request or if verification is required,

the Building Inspector may require the permittee to supply necessary elevations on a plan drawing, prepared by a qualified contractor, land surveyor, or Engineer prior to permit issuance.

The building-to-street height relationship shall be referenced from the curb grade as defined in Section 10-1-150(28), or street centerline grade where no curb is present. For streets of significant slope, the average elevation shall be used and is considered to be the mean of two (2) street elevations taken at the straight projection on the frontage street of the side building lines. Additional information may be required in the cases of non-uniform lot dimensions, non-uniform building lines or reversed corner lots, as determined by the Building Inspector.

The building-to-street height relationship may be dictated as based on existing utility services, such as Village sanitary sewer service. In the case of a conflict between interests between sanitary sewer and street grades, the most restrictive condition shall apply.

The building elevation shall be taken on the finished top of concrete foundation wall, or finished garage slab, of the existing or planned building. The building Inspector shall determine the building-to-street height relationship based on this information and identify the controlling building level where surface storm water drainage above that elevation would adversely affect exterior or interior building appurtenances. Buildings with walk-out provisions and partial exposure amenities are deemed special conditions that may require more information for review prior to permit action.

If the Building Inspector in this review does not see a potential problem with regard to site grades, the permit shall be issued pursuant to other permit requirements that may be imposed. The zoning permit shall be issued simultaneously with the building permit request.

If the Building Inspector, upon the review of this information, determines a potential problem in the site grading or drainage aspect to a neighboring property, the Building Inspector shall notify the permittee/applicant and the Director of Public Works. No building permit shall be issued until zoning permit requirements have been met in plan. The Village may require written consent of neighboring properties for the appropriate activity prior to any permit action. In any case the Village shall not be responsible for grading or drainage conflicts if a problem has or has not been identified in the permit process.

For any accessory building, establishment of grade shall be determined per the provisions of this Section, and/or Section 10-1-17, and/or sub-section (e) above, and/or existing or new driveway permit conditions, and/or applicable deed restrictions on the subject property, and/or applicable restrictive covenants,

and/or referenced off the existing principal structure, which ever is more restrictive in the intent of the establishment of grade as determined by the Building Inspector and/or Director of Public Works.

As determined by the Building Inspector and/or the Director of Public Works, deviations that are proposed outside the minimum or maximum standard as set forth above, for the cases outlined above, shall be forwarded to the Village for review and approval, through the variance procedures as referenced in Article L of this Ordinance, prior to permit issuance/approval.

Non-Conforming Buildings: Buildings that are deemed non-conforming by this provision may also be subject to the specifications of Article H of the Zoning Ordinance.

- (g) PRIVATE SEWER AND WATER. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Sec. H65, Wisconsin Administrative Code. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Sec. H65, Wisconsin Administrative Code, but for one-family dwellings shall be not less than one hundred (100) feet and not less than twenty thousand (20,000) square feet respectively.

#### SEC. 10-1-16

#### USE RESTRICTIONS.

- (a) PRINCIPAL USES. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (b) CONDITIONAL USES. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission pursuant to Article D of this Chapter.
- (c) UNCLASSIFIED OR UNSPECIFIED USES. Unclassified uses may be permitted by the Plan Commission after the Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
- (d) TEMPORARY USES. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Inspector.
- (e) PERFORMANCE STANDARDS. Performance standards listed in Article I shall be complied with by all uses in all districts.
- (f) MOBILE HOMES. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.
- (g) REDUCTION OR JOINT USE. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

SEC. 10-1-17      ACCESSORY BUILDINGS. Amended 10-18-11

- (a) TIME OF CONSTRUCTION. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (b) PERCENTAGE OF REQUIRED REAR YARD OCCUPIED. No detached accessory building or buildings shall occupy more than thirty (30%) percent of the area of the required rear yard. Any accessory building in a Residential District which exceeds four (4) automobile stalls or one thousand (1000) square feet of floor area shall first obtain a variance.
- (c) HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS. No detached accessory building located in a required rear yard shall exceed fifteen (15) feet in height. Building height shall be the vertical distance measured from the finished lot grade along the street yard face of the structure to the highest point of the roof.
- (d) LOCATION IN RESIDENTIAL DISTRICTS.
  - (1) No accessory building in a residential district shall be erected in any yard except a rear yard. Accessory buildings shall be located to comply with setback requirements in Sections 10-1-23 through 10-1-26.
  - (2) When an accessory building is a part of the main building, or is substantially attached thereto or lies within ten (10) feet of an exterior wall of the main building, the side yard and rear yard requirements for the main building shall be applied to the accessory buildings.
- (e) GARAGES IN EMBANKMENTS IN FRONT YARDS. Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
  - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
  - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
  - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (f) IN COMMERCIAL AND MANUFACTURING DISTRICTS. All accessory buildings shall be located no less than ten (10) feet from the rear lot line.
- (g) STORAGE BUILDINGS/SHEDS. A storage building/shed shall be defined as any building 120 square feet or less. A site plan is required to be submitted before placement of storage building/shed. Any building or combination of buildings over 120 square feet shall be considered an accessory building and shall require a building permit and a site plan to be obtained prior to the building(s) being placed on any property in the Village.

SEC. 10-1-18      OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days, from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of Title 9, Chapter 6, of this Code of Ordinances.
- (e) Not more than fifteen (15%) percent of the side or rear yard may be used for storage of firewood at any one time.

SEC. 10-1-19      ENFORCEMENT AND PENALTIES.

- (a) VIOLATIONS. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Plan Commission, Building Inspector, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.
- (b) PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

## ARTICLE C

### Zoning Districts

#### SEC. 10-1-20      ESTABLISHMENT OF DISTRICTS.

- (a) DISTRICTS. The Village of Pardeeville is divided into the following fifteen (15) zoning districts:
- (1) R-1 Single-Family Residential District
  - (2) R-2 Single-Family Residential District
  - (3) R-3 Two-Family Residential District
  - (4) R-4 Multi-Family Residential District
  - (5) B-1 Business District
  - (6) B-2 Business District
  - (7) B-3 Business District
  - (8) M-1 Industrial District
  - (9) C-1 Conservancy District
  - (10) CG-1 Campground District
  - (11) A-P Agricultural Preservation District
  - (12) A-H Agricultural Holding District
  - (13) A-T Agricultural Transition District
  - (14) A-R Agricultural Related Manufacturing & Commercial District
  - (15) PUD Planned Unit Development District
- (b) DISTRICT BOUNDARIES. Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Village of Pardeeville, Wisconsin," dated \_\_\_\_\_ which accompanies and is part of this Chapter. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines, lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- (c) VACATION OF STREETS. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) ANNEXATIONS. Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-H Agricultural Holding District unless the annexation ordinance temporarily places the land in another district. Within one (1) year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

Cross-Reference: Sections 10-1-70 through 10-1-76.

#### SEC. 10-1-21      ZONING MAP.

- (a) A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its

face the attestation of the Village President and the Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer.

- (b) Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

SEC. 10-1-22      RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shore-lines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

## (a) PRINCIPAL USE.

- (1) Single-family dwellings.
- (2) Churches, public and parochial schools, public libraries and similar public or semi-public buildings.
- (3) Telephone, telegraph, and power transmission lines.
- (4) Public parks and recreation areas.
- (5) A private garage incident to the lawful use of the premises; such garage shall not be used in the conduct of any business, and no garage or other structure not designed for human habitation shall be used for living quarters.
- (6) The keeping of usual household pets, but not the operation of commercial kennels or hutches.
- (7) Uses customarily incident to any of the above used, when located on the same lot and not involving the conduct of a business.

## (b) CONDITIONAL USES. See Sections 10-1-51, 10-1-52 and 10-1-56.

## (c) LOT, BUILDING AND YARD REQUIREMENTS.

Lot frontage..... Minimum 100 ft.  
Lot area..... Minimum 12,000 sq.  
ft.  
Principal building:  
    Front yard..... Minimum 30 ft.  
    Side yards..... Minimum 10 ft.  
    Rear yard..... Minimum 25 ft.  
Accessory building:  
    Front yard..... Minimum 30 ft.  
    Side yards..... Minimum 10 ft.  
    Rear yard..... Minimum 10 ft.  
Alley..... Minimum 15 ft.  
Building height..... Maximum 35 ft.  
Number of stories..... Maximum 2-1/2  
Percentage of lot coverage..... Maximum 30%  
Floor area per dwelling unit  
    Single story..... Minimum 1,000  
    Multiple story..... Minimum 1,400 sq.  
ft.



## (a) PRINCIPAL USE.

- (1) Single-family dwellings.
- (2) Churches, public and parochial schools, public libraries and similar public or semi-public buildings.
- (3) Telephone, telegraph, and power transmission lines.
- (4) Public parks and recreation areas.
- (5) A private garage incident to the lawful use of the premises; such garage shall not be used in the conduct of any business, and no garage or other structure not designed for human habitation shall be used for living quarters.
- (6) The keeping of usual household pets, but not the operation of commercial kennels or hutches.
- (7) Uses customarily incident to any of the above used, when located on the same lot and not involving the conduct of a business.

## (b) CONDITIONAL USES. See Sections 10-1-51, 10-1-52 and 10-1-56.

## (c) LOT, BUILDING AND YARD REQUIREMENTS.

Lot frontage..... Minimum 80 ft.

Lot area..... Minimum 10,000 sq. ft.

Principal building:

Front yard..... Minimum 30 ft.

Side yards..... Minimum 8 ft.

Rear yard..... Minimum 30 ft.

Accessory building:

Front yard..... Minimum 30 ft.

Side yards..... Minimum 8 ft.

Rear yard..... Minimum 8 ft.

Alley..... Minimum 15 ft.

Building height..... Maximum 35 ft.

Number of stories..... Maximum 2-1/2

Percent of lot coverage..... Maximum 30%

Floor area per dwelling unit:

Single story..... Minimum 1,000 sq. ft.

Multiple story..... Minimum 1,400 sq. ft.

- (a) PRINCIPAL USE. One- and two-family dwellings, and other uses permitted in the R-2 Single-Family Residential District.
- (b) CONDITIONAL USES. See Sections 10-1-51, 10-1-52 and 10-1-56.
- (c) LOT, BUILDING AND YARD REQUIREMENTS.
- |                                 |         |                |
|---------------------------------|---------|----------------|
| Lot frontage.....               | Minimum | 80 ft.         |
| Lot area.....                   | Minimum | 10,000 sq. ft. |
| Principal building:             |         |                |
| Front yard.....                 | Minimum | 30 ft.         |
| Side yards.....                 | Minimum | 8 ft.          |
| Rear yard.....                  | Minimum | 30 ft.         |
| Accessory building:             |         |                |
| Front yard.....                 | Minimum | 30 ft.         |
| Side yards.....                 | Minimum | 8 ft.          |
| Rear yard.....                  | Minimum | 30 ft.         |
| Alley.....                      | Minimum | 15 ft.         |
| Building height.....            | Maximum | 35 ft.         |
| Number of stories.....          | Maximum | 2-1/2          |
| Percent of lot coverage.....    | Maximum | 30%            |
| Lot area per dwelling unit..... | Minimum | 5,000 sq. ft.  |
| Floor area per dwelling unit:   |         |                |
| Multiple floor.....             | Minimum | 900 sq. ft.    |
| Complete duplex.....            | Minimum | 1,800 sq. ft.  |

## (a) PRINCIPAL USE.

- (1) Multi-family dwellings.
- (2) Private clubs, fraternities and lodges, and community recreational centers, except those whose chief activity is customarily carried out as a business.
- (3) Telephone offices, provided there is no service garage or storage yard.
- (4) Nursing and convalescent homes caring for not over six (6) patients.
- (5) Public hospitals, building shall be located not less than one hundred (100) feet from any lot in any residential district not used for the same purpose.
- (6) Signs as permitted in Single-Family Residential District and also professional announcement signs not over four (4) feet square.

## (b) CONDITIONAL USES. See Sections 10-1-51, 10-1-52 and 10-1-56.

## (c) LOT, BUILDING AND YARD REQUIREMENTS.

Lot frontage.....	Minimum 80 ft.
Lot area.....	Minimum 12,000 sq. ft.
Principal building:	
Front yard.....	Minimum 30 ft.
Side yards.....	Minimum 8 ft.
Rear yard.....	Minimum 30 ft.
Accessory building:	
Front yard.....	Minimum 30 ft.
Side yards.....	Minimum 3 ft.
Rear yard.....	Minimum 3 ft.
Alley.....	Minimum 15 ft.
Building height.....	Maximum 35 ft.
Number of stories.....	Maximum 2-1/2
Percent of lot coverage.....	Maximum 30%
Lot area per dwelling unit....	Minimum 3,000 sq. ft.

- (a) **PRINCIPAL USES.** The following uses are permitted in the B-1 District: Antique shops, apartment hotels, appliance shops, art and school supply stores, automotive parts sales stores, automobile sales lots and showrooms and lots, including incidental servicing and repair, provided, however, that all vehicles be in operative condition. Automotive servicing and repairs, banks and other financial institutions, including loan and finance companies. Barber shops and beauty parlors, business offices, candy and ice cream stores, caterers, clinics, clothing repair shops, clubs, cocktail lounges, confectioneries, delicatessens, department stores, drug stores, electrical supply, food lockers, furniture stores, gasoline stations, heating supply, hotels, ice delivery stations, insurance agencies, jewelry stores, lumber yards, medical clinics, opticians and optical stores, paint stores, retail only, parking facilities, honey processors, sporting shops, photographic studios, professional offices, publishers, restaurants, small animal hospitals, taverns, with permit by Village Board, tourist information and hospitality centers, undertaking establishments, upholsterer's shops, variety stores, vegetable stores, grocery stores, museums, libraries, contractor and trade offices, showrooms, miscellaneous small equipment storage and/or repair, laundromats, video stores and small machine assembly or manufacturing shops with a maximum of six (6) full-time and six (6) part-time employees.
- (b) **CONDITIONAL USES.** See Sections 10-1-51, 10-1-52, 10-1-53 and 10-1-56.
- (c) **LOT, BUILDING AND YARD REQUIREMENTS.**
- |                                 |         |               |
|---------------------------------|---------|---------------|
| Lot frontage.....               | Minimum | 60 ft.        |
| Lot area.....                   | Minimum | 6,000 sq. ft. |
| Building height.....            | Maximum | 35 ft.        |
| Number of stories.....          | Maximum | 2-1/2         |
| Percent of lot coverage.....    | Maximum | 90%           |
| Lot area per dwelling unit..... | Minimum | 1,500 sq. ft. |
| Alley.....                      | Minimum | 15 ft.        |
- (d) **USE CONDITIONS.** Uses permitted in the B-1 Business District are subject to the following conditions:
- (1) Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
  - (2) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this Section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within one hundred fifty (150) feet of a Residential District boundary line.

- (a) **PRINCIPAL USES.** The following uses are permitted in the B-2 District: Antique shops, apartment hotels, appliance shops, art and school supply stores, automotive parts sales stores, automobile sales lots and showrooms and lots, including incidental servicing and repair, provided, however, that all vehicles be in operative condition. Automotive servicing and repairs, banks and other financial institutions including loan and finance companies. Barber shops and beauty parlors, bowling alleys, business offices, candy and ice cream stores, caterers, clinics, clothing repair shops, clubs, cocktail lounges, confectioneries, contractor and trade offices, delicatessens, department stores, drug stores, electrical supply stores, food lockers, furniture stores, grocery stores, heating suppliers, hotels, insurance agencies, jewelry stores, laundromats, libraries, lumber yards, medical clinics, mini storage units, museums, opticians and optical stores, paint stores--retail only, parking facilities, honey processors, photographic studios, professional offices, publishers, restaurants, showrooms, small animal hospitals, miscellaneous small equipment storage and/or repair, and small machine assembly or manufacturing shops with a maximum of six (6) employees, sporting shops, taverns with permit by Village Board, tourist information and hospitality centers, undertaking establishments, upholsterer's shops, variety stores, vegetables stores, and video stores.
- (b) **CONDITIONAL USES.** See Sections 10-1-51, 10-1-52, 10-1-53 and 10-1-56.
- (c) **LOT, BUILDING and YARD REQUIREMENTS.**
- |                                 |         |             |
|---------------------------------|---------|-------------|
| Lot frontage.....               | Minimum | 80 ft.      |
| Lot area.....                   | Minimum | 8,000 sq.ft |
| Building height.....            | Maximum | 35 ft.      |
| Number of stories.....          | Maximum | 3           |
| Lot area per dwelling unit..... | Minimum | 3,000 sq.ft |
| Front Yard.....                 | Minimum | 30 ft.      |
| Side Yard.....                  | Minimum | 10 ft.      |
| Rear Yard.....                  | Minimum | 30 ft.      |
- (d) **USE CONDITIONS** Uses permitted in the B-2 Business District are subject to the following conditions:
- (1) Business uses are not permitted above the ground floor where dwelling units are established.
  - (2) The parking of trucks as an accessory use, when used in the conduct of a permitted business as listed in this Section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within one hundred fifty (150) feet of a Residential District boundary line.

- (a) PRINCIPAL USES. The following uses are permitted in the B-3 District: Antique shops, apartment hotels, appliance shops, art and school supply stores, banks and other financial institutions including loan and finance companies, barber shops and beauty parlors, bowling alleys, business offices, candy and ice cream stores, clinics, clothing repair shops, clubs, confectioneries, contractor and trade offices, drug stores, grocery stores, insurance agencies, jewelry stores,, libraries, medical clinics, mini storage units, museums, opticians and optical stores, parking facilities, photographic studios, professional offices, publishers, showrooms sporting shops, tourist information and hospitality centers, undertaking establishments, upholsterer's shops and vegetables stores.
- (b) CONDITIONAL USES. See Sections 10-1-51, 10-1-52, 10-1-53 and 10-1-56.
- (c) LOT, BUILDING and YARD REQUIREMENTS.
- |                                 |                      |
|---------------------------------|----------------------|
| Lot frontage.....               | Minimum 80 ft.       |
| Lot area.....                   | Minimum 8,000 sq.ft. |
| Building height.....            | Maximum 35 ft.       |
| Number of stories.....          | Maximum 3            |
| Percent of lot coverage.....    | Maximum 40%          |
| Lot area per dwelling unit..... | Minimum 3,000 sq.ft. |
| Front Yard.....                 | Min 30 ft.           |
| Side Yard .....                 | Min 10 ft.           |
| Rear Yard .....                 | Min 30ft.            |
- (d) USE CONDITIONS Uses permitted in the B-3 Business District are subject to the following conditions:
- (1) Business uses are not permitted above the ground floor where dwelling units are established.
  - (2) The parking of trucks as an accessory use, when used in the conduct of a permitted business as listed in this Section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within one hundred fifty (150) feet of a Residential District boundary line.

- (a) PRINCIPAL USES. Automotive body repairs; automotive upholstery; cleaning, pressing and dyeing establishments; commercial bakeries; commercial greenhouses; distributors; farm machinery; food locker plants; freight yards, freight terminals and transshipment depots, inside storage; laboratories; machine shops; manufacture and bottling of nonalcoholic beverages; mini storage units, painting; printing; publishing; storage and sale of machinery and equipment; trade and contractors' offices; warehousing and wholesaling; manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood; manufacture, fabrication, packing and packaging of confections, cosmetics, electrical appliances, electronic devices, food (except cabbage, fish and pea vining), instruments, jewelry, pharmaceuticals, tobacco and toiletries.
- (b) CONDITIONAL USES. See Sections 10-2-51, 10-1-54, 10-2-55, 10-1-56 and 10-1-57. Amended 04-15-03
- (c) LOT, BUILDING AND YARD REQUIREMENTS.
- |                           |                |
|---------------------------|----------------|
| Lot frontage.....         | No minimum     |
| Lot area.....             | Minimum 1 acre |
| Front yard.....           | Minimum 50 ft. |
| *Side yards.....          | Minimum 20 ft. |
| *Rear yards.....          | Minimum 30 ft. |
| Building height.....      | Maximum 45 ft. |
| Number of stories.....    | Maximum 3      |
| Percent of lot coverage.. | Maximum 40%    |

\* Required buffer strips in industrial districts. Where an M-1 Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year round, effective visual screen when viewed from the Residential District shall be planted in the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than five (5) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

SEC. 10-1-31      C-I CONSERVANCY DISTRICT.

(a) PERMITTED USES AND STRUCTURES.

- (1) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, sustained yield forestry, utilities such as, but not restricted to telephone, telegraph and power transmission lines; fishing, scenic, historic, scientific, wildlife preserve; nonresident buildings used solely in conjunction with the raising of water fowl or fish; hiking trails and bridle paths, accessory uses; public and private parks and picnic areas, greenways and open spaces, recreation related structures not requiring basements, regulatory signs not over six (6) square feet and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.
- (2) Stables, barns, poultry houses, and other ordinary farm buildings on parcels of land ten (10) acres or more in area, provided that no buildings housing domestic livestock or poultry shall be closer than fifty (50) feet to any lot line, and provided further that not more than one (1) head of domestic livestock nor more than twenty (20) fowl are housed or kept per acre, and provided further that the keeping of hogs, goats, or fur-bearing animals shall not be permitted on less than twenty (20) acres.

- (b) CONDITIONAL USES. Filling, drainage, dredging, farm structures, dams, power plants, flowages, ponds, relocation of watercourses, removal of topsoil or peat; piers, docks, boathouses, campgrounds and cranberry bogs. All permitted and conditional uses are subject to the provisions of Article D of this Chapter.

SEC. 10-1-32      CC-1 CAMPGROUND DISTRICT.

- (a) USE. A developed campground or camping resort means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicles, open to the public and designated as a developed campground area and set aside for free or paying camping purposes.
- (b) CAMP PLAN. Every camp shall be located on a well-drained area not subject to intermittent flooding. The premises shall be properly graded to prevent the accumulation of storm or other Waters that may create hazards to the property or health and safety of the occupants. No camp shall be located in an area that is situated so that drainage from any source of filth can be deposited thereon.
- (c) SETBACK. Excepting for the interior road system, all recreational vehicles shall be located at least twenty-five (25) feet from any parking area boundary line abutting upon a public street or



highway.

- (d) SEPARATION BETWEEN RECREATIONAL VEHICLES. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet, except for a camp space that has been developed to accommodate two (2) recreational vehicles. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- (e) DENSITY REQUIREMENT. The density shall not exceed twenty-five (25) spaces per acre of gross site area except that the Board may under special circumstances permit a higher density provided comparable facilities as needed to safeguard public health, safety and welfare are established.
- (f) UTILITY SERVICE. Any campground established or permitted in the Village of Pardeeville, shall have an adequate water supply, and adequate toilet supply, as set forth by Chapter H78, Wisconsin Administrative Code, as last revised. In addition, the camp so developed, shall maintain a sanitary station, as required by the Wisconsin Administrative Code, Chapter H78, as last revised, and in addition shall maintain a service building consistent with such Code requirements.
- (g) GENERAL HEALTH AND SAFETY. In all other respects, any campground so developed, shall in all respects fill the provisions and requisitions as set forth in the Wisconsin Administrative Code, Chapter H78, "Campground & Camping Resorts," as last revised.

SEC. 10-1-33

A-P AGRICULTURAL PRESERVATION DISTRICT.

- (a) PURPOSE. The primary purpose of this District is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Department of Agriculture, Soil Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. Further, lands in this District will only be approved for rezoning where surrounding land uses have made continued farming unfeasible, or the soil is determined to be of poor agricultural productivity.
- (b) APPROVED USES. Agriculture, apiaries, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming and viticulture. Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses.
- (c) CONDITIONAL USES. See Sections 10-1-52, 10-1-53 and 10-1-54.
- (d) LOT, BUILDING AND YARD REQUIREMENTS.
  - Lot frontage.....Minimum 250 ft.
  - Lot area.....Minimum 174,240 sq. ft. (4 acres)
  - Principal building:
    - Front yard.....Minimum 30 ft.

Side yard.....Minimum 30 ft.  
Rear yard.....Minimum 30 ft.  
Accessory building:  
Front yard.....Minimum 30 ft.  
Side yard.....Minimum 30 ft.  
Rear yard.....Minimum 30 ft.

Principal building height 60 ft.

- (e) FARM CONSOLIDATION. Farm dwellings at the time of the effective date of this Chapter and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with other provisions of this Chapter.

SEC. 10-1-34      A-H AGRICULTURAL HOLDING DISTRICT.

- (a) PURPOSE. The primary purpose of this District is to preserve, for an extended period in agricultural and related open space land uses, those lands generally located in the path of expected future development of incorporated urban centers. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the District. It is intended that the status of all areas in this District be reviewed by the appropriate planning bodies no less frequently than every five (5) years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses. As a matter of policy, rezoning only to those districts identified for those lands in the Land Use Plan will be approved.
- (b) APPROVED USES. Agriculture, apiaries, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming and viticulture. Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses.
- (c) CONDITIONAL USES. See Sections 10-1-52, 10-1-53 and 10-1-54.
- (d) LOT, BUILDING AND YARD REQUIREMENTS.  
Lot frontage.....Minimum 250 ft.  
Lot area.....Minimum 174,240 sq. ft. (4 acres)  
Principal building:  
Front yard.....Minimum 30 ft.  
Side yard.....Minimum 30 ft.  
Rear yard.....Minimum 30 ft.  
Accessory building:  
Front yard.....Minimum 30 ft.  
Side yard.....Minimum 30 ft.

Rear yard.....Minimum 30 ft.

Principal building height..60 ft.

- (e) FARM CONSOLIDATION. Farm dwellings at the time of the effective date of this Chapter and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with Sec. 10-1-37 and other provisions of this Chapter.

SEC. 10-1-35      A-T AGRICULTURAL TRANSITION DISTRICT.

- (a) PURPOSE. The primary purpose of this District is to identify lands for which agricultural uses are currently encouraged but where appropriate development will be permitted. These lands will generally be located adjacent to existing incorporated centers where urban expansion is planned to take place according to the Land Use Plan. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the District. As a matter of policy, rezoning only to districts identified for those lands in the Land Use Plan will be approved.

- (b) APPROVED USES. Agriculture, apiaries, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming and viticulture. Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses.

- (c) CONDITIONAL USES. See Sections 10-1-52, 10-1-53 and 10-1-54.

- (d) LOT, BUILDING AND YARD REQUIREMENTS.

Lot frontage.....Minimum 250 ft.

Lot area.....Minimum 174,240 sq. ft. (4 acres)

Principal building:

    Front yard.....Minimum 30 ft.

    Side yard.....Minimum 30 ft.

    Rear yard.....Minimum 30 ft.

Accessory building:

    Front yard.....Minimum 30 ft.

    Side yard.....Minimum 30 ft.

    Rear yard.....Minimum 30 ft.

Principal building height..60 ft.

- (e) FARM CONSOLIDATION. Farm dwellings at the time of the effective date of this Chapter and related farm structures remaining after farm consolidation may be separated from the farm lot provided, however, that the parcel created conforms with Chapter 17.36 and other provisions of this Chapter.

SEC. 10-1-36      A-R AGRICULTURAL RELATED MANUFACTURING AND COMMERCIAL DISTRICT.

- (a) PURPOSE. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.
- (b) APPROVED USES. Grain elevators and bulk storage of feed grains; grist mill services; preparation for feeds for animals and fowls; livestock sales facilities; poultry and small game dressing and packing; animal hospitals, shelters and kennels; fertilizer sales, storage, mixing and blending; sales and maintenance of farm implements and farm machinery; production of wine, alcohol, brandy and brandy spirits; milling of vegetable oil.
- (c) CONDITIONAL USES. See Section 10-1-5 1.
- (d) SITE REQUIREMENTS. See Schedule of Regulations set forth in Sec. 10-1-28 for M-1 Industrial District.

SEC. 10-1-37      FLOOD DISTRICTS.

The additional restrictions enumerated in Title 10, Chapter 2, "Flood plain Zoning" apply to areas which are subject to periodic flooding.

SEC. 10-1-38      PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

- (a) PURPOSE. The Planned Community Development District is established to provide a regulatory framework designed to promote improved environmental design in the Village of Pardeeville by allowing for greater freedom, imagination and flexibility in compliance to the basic intent of the zoning ordinance and the general plan for community development. It allows diversification and variation in the relationship of used, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects.
- (b) PERMITTED USES. The following uses are permitted in the Planned Unit Development District, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions as hereinafter set forth:
  - (1) Any use permitted by right or as a conditional grant in any of the other districts of this Chapter may be permitted, subject to the criteria as established herein, but such requirements as are made a part of an approved, recorded precise development plan shall be, along with the recorded plan itself, construed to be enforced as part of this Chapter.
  - (2) Lot area, lot width, height, floor area ratio, yard and usable open space requirements. In the Planned Unit Development District, there shall be no predetermined specific lot area, lot width, height, yard and usable open space requirements, but such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

- (3) Off-street parking. In the Planned Unit Development District, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth and such requirements as area made a part of an approved recorded precise development plan.
- (c) CRITERIA FOR APPROVAL. As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:
  - (1) Character and intensity of land use. In a Planned Unit Development District, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
    - a. Are compatible to the physical nature of the site.
    - b. Would produce an attractive environment of sustained aesthetic and ecologically desirability, economic stability and functional practicality.
    - c. Would not adversely affect the anticipated provision for school or other municipal services.
    - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
  - (2) Economic feasibility and impact. The proponents of a Planned Unit Development District application shall provide evidence satisfactory to the Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
  - (3) Engineering design standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Village.
  - (4) Preservation and maintenance of open space. In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
    - a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas.
    - b. The care and maintenance of such open space reservation shall be assured by establishment of

appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.

- c. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.

- (5) Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

- (d) PROCEDURE. The Procedure for rezoning to a Planned Unit Development District shall be as required for any other zoning district change under this Chapter, except that in addition thereto the rezoning may only be considered in conjunction with a development plan and shall be subject to the following additional requirements:

- (1) General development plan, shall include the following information:

- a. A statement describing the general character of the intended development.
- b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features.
- c. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection (c) of this Section:
  - 1. The pattern of proposed land use, including shape, size and arrangement of proposed land areas, density and environmental character.
  - 2. The pattern of public and private streets.
  - 3. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as school, park, greenway, etc.
  - 4. A utility feasibility study.
- d. Appropriate statistical data on the size of the development ratio of various land uses, percentages of multi-family units by number of bedrooms, economic analysis of the development, expected staging and any other plans or data pertinent to evaluation by the Village under the criteria of Subsection (c) of this section.
- e. General outline of intended organizational structure related to property owners association, deed restrictions and private provision of common services.

- (2) Referral and hearing.

- a. Within a reasonable time after completion of the

filing of the petition for approval of a general development plan, the Plan Commission shall forward the petition to the Village Board, with a recommendation that the plan be approved as submitted, approved with modifications, or disapproved.

- b. Upon receipt of the Plan Commission's recommendation, the Board shall determine whether or not to initiate a proposed zoning change to permit the proposed planned community development district and to schedule the required public hearing. If the Board fails to initiate such a change within thirty (30) days, the petitioner may file a petition directly with the Village Clerk-Treasurer.
  - c. Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
- (3) Specific implementation plan. A specific and detailed plan implementation of all or a part of a proposed Planned Unit Development District must be submitted within a reasonable period of time, as determined by the Village Board. If a specific implementation plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to rezone the property back to the previous zoning from the Planned Unit Development District shall be filed by the appropriate Village official with the Village Clerk-Treasurer for processing. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:
- a. An accurate map of the area covered by the plan, including the relationship to the total general development plan.
  - b. The pattern of public and private roads, driveways, walkways and parking facilities.
  - c. Detailed lot layout and subdivision plan where required.
  - d. The arrangement of building groups other than single family residences, and their architectural character.
  - e. Sanitary sewer and water mains.
  - f. Grading plan and storm drainage system.
  - g. The location and treatment of open space areas and recreational or other special amenities.
  - h. General location and description of any areas to be dedicated to the public.
  - i. General landscape treatment.

- j. Proof of financing capability.
  - k. Analysis of economic impact upon the community.
  - 1. A development schedule indicating:
    - 1. the approximate date when construction of the project can be expected to begin;
    - 2. the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - 3. the anticipated rate of development;
    - 4. the approximate date when the development of each of the stages will be completed.
  - m. Agreements, bylaws, provision or covenants which govern the organizational structure, use maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
  - n. Any other plans, documents or schedules requested by the Village.
- (4) Approval of the specific implementation plan.
- a. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Board that it be approved as submitted, approved with modifications or disapproved.
  - b. Upon receipt of the Plan Commission recommendations, the Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
  - c. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Village offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the Village Board, in the County Register of Deeds office. This shall be accomplished prior to the issuance of any building permit.
  - d. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Village Attorney and Plan Commission and, if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, the procedure provided in Subsection (d) above and in this subsection shall be required.

SEC. 10-1-39      LAKEFRONT SETBACKS; BOATHOUSES.

- (a) All structures and accessory buildings, excluding boathouses, abutting a navigable body of water shall have a thirty (30) foot



setback from the normal high water mark.

- (b) "Boathouse" means a permanent structure used for the storage of water crafts and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts. For purposes of this Chapter, the term boathouse does not include shore stations or boathouses which are removed from a waterway on an annual basis.
- (c) The principal use of a boathouse shall be the storage of water crafts. Boathouses shall not have running water. Boathouses shall not be used as a permanent or temporary dwelling.

State Law Reference: Chapter NR 325.03, Wis. Adm. Code



## ARTICLE D

### Conditional Uses

#### SEC. 10-1-40      STATEMENT OF PURPOSE - CONDITIONAL USES.

The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

#### SEC. 10-1-41      AUTHORITY OF THE PLAN COMMISSION; REQUIREMENTS.

- (a) The Plan Commission, after a public hearing shall, within a reasonable time, grant or deny any application for a conditional use. Prior to the granting of a conditional use, the Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed sixty (60) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

SEC. 10-1-42      INITIATION OF CONDITIONAL USE.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an                      exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

SEC. 10-1-43      APPLICATION FOR CONDITIONAL USE. Amended 01-21-03

- (a) FILING OF APPLICATION. An application for a conditional use shall be filed with the Clerk-Treasurer on a form prescribed by the Village. The application shall be accompanied by such plans and other information as may be prescribed by the Building Inspector Village Board or the Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 10-1-46 hereinafter. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
- (b) APPLICATION INFORMATION. Applications for conditional use permits shall be made in duplicate to the Clerk-Treasurer on forms furnished by the Village and shall include the following:
  - (1) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
  - (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Additional Information as may be required by the Plan Commission, Village Engineer, Zoning, Building, Plumbing, or Health Inspectors.
  - (4) Fee Receipt from the Village Clerk-Treasurer in the amount as set forth in Section 1-1-8 (Amended 10-15-02)
- (c) ADDITIONAL INFORMATION. A Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10-1-12 for a Zoning Permit may be required by the Plan Commission, and, in addition, the following: mean and historic high water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.

SEC. 10-1-44      STANDARDS - CONDITIONAL USES.

No application for a conditional use shall be granted by the Plan Commission unless such Commission shall find all of the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That when applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That in addition in passing upon a Conditional Use Permit, the Plan Commission shall also evaluate the effect of the proposed use upon:
  - (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (6) The location of the site with respect to existing or future access roads.
  - (7) The need of the proposed use for a shore land location.
  - (8) Its compatibility with uses on adjacent land.
  - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

The following conditions shall apply to all conditional uses:

- (a) Prior to the granting of any conditional use, the Plan Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 10-1-46 above. In all cases in which conditional uses are granted, the Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
  - (1) landscaping,
  - (2) type of construction,
  - (3) construction commencement and completion dates,
  - (4) sureties,
  - (5) lighting,
  - (6) fencing,
  - (7) operational control,
  - (8) hours of operation,
  - (9) traffic circulation,
  - (10) deed restrictions,
  - (11) access restrictions,
  - (12) setbacks and yards,
  - (13) type of shore cover,
  - (14) specified sewage disposal and water supply systems,
  - (15) planting screens,
  - (16) piers and docks,
  - (17) increased parking,
  - (18) or any other requirements necessary to fulfill purpose and intent of this Chapter.
- (b) The Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) Expiration and Renewal. Conditional use permits shall be in effect for a period not to exceed two (2) years and may be renewed, upon application and payment of a fee set forth in Section 1-1-8, for a period of two years. Modifications or additional conditions may be imposed upon application for renewal.
- (e) Annual Review. All conditional use permits shall be subject to an annual review for compliance with the original permit.

SEC. 10-1-46      HEARING ON APPLICATION.

Upon receipt of the application and statement referred to in Section 10-1-43 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Plan Commission, shall, by rule, prescribe from time to time.

SEC. 10-1-47      NOTICE OF HEARING ON APPLICATION.

Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector, members of the Village Board and Plan Commission, and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

SEC. 10-1-48      DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

When a conditional use application is denied, the Plan Commission shall furnish the applicant, in writing, when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

SEC. 10-1-49      VALIDITY OF CONDITIONAL USE PERMIT.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

SEC. 10-1-50      COMPLAINTS REGARDING CONDITIONAL USES.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to

order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 10-1-46 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 10-1-45 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 10-1-46 or conditions previously imposed by the Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 10-1-46 will be met, the Plan Commission may revoke the subject conditional approval and direct the Building Inspector and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished the current owner of the conditional use in writing stating the reasons therefor.

SEC. 10-1-51      PUBLIC AND QUASI-PUBLIC USES - CONDITIONAL USES.

The following public and quasi-public uses shall be conditional uses and may be permitted as specified:

- (a) AIRPORTS, AIRSTRIPS AND LAND FIELDS in the Industrial Districts, provided the site area is not less than twenty (20) acres.
- (b) GOVERNMENTAL AND CULTURAL USES, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all residential, industrial and business districts.
- (c) UTILITIES in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- (d) PUBLIC PASSENGER TRANSPORTATION TERMINALS, such as heliports, bus and Industrial Districts, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
- (e) PUBLIC, PAROCHIAL, AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS AND CHURCHES in all Residential Districts, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line. Public, parochial and private elementary/secondary schools and churches in a Manufacturing District provided this is a temporary occupancy and would not remain over a three (3) year period. This temporary structure must be reviewed and approved by the Village Board on an annual basis during the three (3) year period.



- (f) COLLEGES, UNIVERSITIES; HOSPITALS, SANITARIUMS; RELIGIOUS, CHARITABLE, PENAL AND CORRECTIONAL INSTITUTIONS; CEMETERIES AND CREMATORIES in the A-R Agricultural District, provided all principal structures and uses are not less than fifty (50) feet from any lot line.

SEC. 10-1-52

RESIDENTIAL USES - CONDITIONAL USES.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified.

- (a) PLANNED RESIDENTIAL DEVELOPMENTS, such as cluster developments in all Residential Districts. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design; all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the Village.
- (b) CLUBS, fraternities, lodges, and meeting places of a noncommercial nature in the R-4 Mullet-Family Residential District provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (c) REST HOMES, nursing homes, homes for the aged, clinics, funeral homes, and children's nurseries in the R-4 Multi-Family Residential District, provided all principal structures and uses are not less than fifty (50) feet from any lot line.
- (d) HOME OCCUPATIONS and professional offices in the R-1, R-2, R-3 and R-4 Residential Districts.
- (e) BED AND BREAKFAST ESTABLISHMENTS IN THE R-1, R-2, R-3 and R-4 RESIDENTIAL DISTRICTS. "Bed and breakfast establishment" means any place of lodging that provides 4 or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast. Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

SEC. 10-1-53

HIGHWAY ORIENTED USES - CONDITIONAL USES.

The following commercial uses shall be conditional uses and may be permitted as specified:

- (a) MOTELS in the B-1 Business District.
- (b) FUNERAL HOMES in the B-1 Business District provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (c) DRIVE-IN BANKS in the B-1 Business District.
- (d) TOURIST HOMES in the R-4 Multi-Family Residential District, provided such district is located on a state trunk or U.S. numbered highway.

- (e) VEHICLE SALES, service, washing and repair stations, garages, taxi stands, and public parking lots, in all business districts provided all gas pumps are not less than thirty (30) feet from any side or real lot line and twenty (20) feet from any existing or proposed street line. Gasoline stations shall be a minimum of five hundred (500) feet from any public or parochial school and churches.
- (f) ANY DEVELOPMENT within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic-ways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be erected closer than one hundred (100) feet to their rights-of-way.

SEC. 10-1-54      INDUSTRIAL AND AGRICULTURAL USES -CONDITIONAL USES.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

- (a) ANIMAL HOSPITALS in the Agricultural and Industrial Districts provided the lot area is not less than three (3) acres, and all principal structures and uses are not less than one hundred (100) feet from any residential district.
- (b) DUMPS, DISPOSAL AREAS, INCINERATORS, and sewage disposal plants in the Agricultural and Industrial Districts.
- (c) MANUFACTURE AND PROCESSING of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cardage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, stove polish, textiles, and varnish. Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast. Manufacture and bottling of alcoholic beverages. Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries, road test facilities; slaughterhouses; smelting; stockyards; canneries; and weaving in the M-1 Heavy Industrial District and shall be at least six hundred (600) feet from residential and public and semi-public districts.
- (d) OUTSIDE STORAGE AND MANUFACTURING AREAS in the M-1 Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen

completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semi-public districts.

- (e) COMMERCIAL SERVICE FACILITIES, such as restaurants and fueling stations, in the M-1 Industrial District provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

SEC. 10-1-55      MINERAL EXTRACTION -CONDITIONAL USES

Mineral extraction operations including washing, crushing, or other processing are conditional uses and may be permitted in the M-1 Industrial District provided:

- (a) THE APPLICATION for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five (5) feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations; and a restoration plan.
- (b) THE RESTORATION PLAN provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration, commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Village's inspection and administrative costs and the necessary sureties which will enable the Village to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon a cost estimate prepared by the owner and approved by the Village Engineer. The form and type of such sureties shall be approved by the Village Board.
- (c) THE PLAN COMMISSION shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.
- (d) EXPIRATION AND RENEWAL. Conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years. Modifications or additional conditions may be imposed upon application for renewal

SEC. 10-1-56      RECREATIONAL USES - CONDITIONAL USES.

- (a) The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools,

and zoological and botanical gardens in a Residential or Industrial District provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.

- (b) COMMERCIAL RECREATION FACILITIES, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks, and theaters are conditional uses and may be permitted in the Business Districts.

SEC 10-1-57

ADULT ORIENTED ENTERTAINMENT BUSINESSES

(adopted 04-15-03)

- (a) PURPOSE.

- (1) The purpose of this Section is to control through zoning regulations certain adult oriented entertainment uses that have a direct and detrimental effect on the character of the Village's residential neighborhoods and commercial areas.
- (2) It shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment.

- (b) DEFINITIONS.

- (1) ADULT ORIENTED ENTERTAINMENT BUSINESS. An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult team room/ bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.
- (2) NUDITY. The showing of the human or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.
- (3) SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.
- (4) SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

- (c) APPLICABILITY. The provisions of this Section of the Zoning code shall apply to all existing and future adult-entertainment oriented businesses. However, any such existing business that does not meet the zoning district restrictions or the distance limitations, may continue its existence as a non-conforming use; provided, however, that no such business may be enlarged or increased in size or be discontinued for a period of no more than 180 days.

- (d) GENERAL REQUIREMENTS.

- (1) ZONING DISTRICT. Adult use only bookstores, adult

theaters, adult massage parlors, adult saunas, adult entertainment centers, adult cabarets, adult health/sport clubs, adult steam room/bathhouse facilities, and other adult oriented entertainment businesses sexual in nature may be operated or maintained only within the M-1 District provided that it is located on a minor or major arterial road and subject to the distance limitations noted below.

- (2) DISTANCE LIMITATIONS. No adults-only bookstore, adult theaters, adult massage parlor, adult cabaret, health/sport club, adult steam room/bathhouse facility, or other adult oriented entertainment businesses as defined under this Section shall:
  - a. Be operated or maintained within 1,000 feet of the boundary of any Residentially Zoned (R) District or any business zoned (B) District;
  - b. Be operated or maintained within 1,000 feet of a church, park, recreational site, licensed daycare facility, public library, public or private educational facility which serve persons age seventeen (17) or younger, elementary school, high school, place of worship, or elderly housing facility;
  - c. Be operated or maintained so that there are no more than two (2) such businesses within 2,500 feet as measured by the radius from each business;
  - d. Distance limitations set forth herein shall be measured in a straight line from the main public entrances of said premises or from the lot lines of properties in Residentially Zoned (R) Districts or any Business Zoned (B) Districts.
- (3) SAME USE RESTRICTIONS. No adult oriented business shall be located in the same building or upon the same property as another such use.
- (4) SIGN LIMITATIONS. Notwithstanding any other provision of this code, an adult oriented entertainment business shall not be permitted more than one (1) sign advertising its business, which shall be an on-premises or building sign only. All such signs shall meet the following criteria:
  - a. Have no merchandise or pictures of the products or entertainment on the premises displayed in window areas or any area where they can be viewed from the sidewalk in front of the building;
  - b. No sign shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only;
  - c. No sign shall contain any flashing lights, moving elements, or mechanically changing messages;
  - d. No sign shall contain any depiction of the human form or any part thereof nor shall it contain sexually explicit language such as "nude dancing" or "Girls, Girls, Girls," etc.
  - e. No sexually-oriented business may have any off-premise sign;
  - f. In order to allow currently operating adult oriented

entertainment businesses to recover their financial investment in current signage, any currently operating adult oriented entertainment business shall bring its signage into conformity with the provisions of this paragraph within one year from the date of passage of this ordinance.

- (5) OPERATING STANDARDS. All such adult oriented entertainment businesses shall operate in accordance with the following:
  - a. No employee shall solicit business outside the building in which the business is located;
  - b. No male or female person, while on the premises, shall impose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited;
  - c. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals;
  - d. Nudity is prohibited for any employee of an adult oriented business where such person is in direct, personal contact with another person.
- (6) BUILDING'S EXTERIOR APPEARANCE. The building's exterior shall meet the following criteria:
  - a. Colors to be earth or neutral tones with primary accent colors to be within the same color family;
  - b. Stripes and geometric patterns are prohibited;
  - c. A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Village Board;
  - d. The exterior shall be adequately maintained in good condition.



## ARTICLE E

### Traffic, Parking and Access

#### SEC. 10-1-60      TRAFFIC VISIBILITY.

- (a) VISION SETBACK AT INTERSECTIONS OF PUBLIC STREETS. Where two (2) public streets intersect at grade level, the intersection shall be day lighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows: Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points forty (40) feet distant from the point of intersection of the street boundaries at the corner.
- (b) EXCEPTION. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

#### SEC. 10-1-61      LOADING REQUIREMENTS.

- (a) REQUIREMENT. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
- (b) SIZE AND LOCATION. Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length, and have a minimum vertical clearance of fourteen (14) feet, and may occupy all or any part of any required yard.
- (c) REQUIRED NUMBER OF OFF-STREET LOADING SPACES.

<u>Uses</u>	<u>Square Feet of Gross Floor Area</u>	<u>Required Off-Street Loading Spaces</u>
School		1
Hospital	Under 10,000	None
	From 10,000 -30,000	1
	For Each Additional 30,000 or Major Fraction Thereof	1 additional
Funeral Home		1
Office, Hotel, Retail	Under 10,000	None
Service, Wholesale,	From 10,000 -25,000	1
Warehouse, Manufacturing,	From 25, -40,000	2
Processing or Repairing	From 40,000 -60,000	3
Uses	From 60,000 -100,000	4
	50,000 or Major Fraction Thereof	1 additional

#### SEC. 10-1-62      PARKING REQUIREMENTS.



In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) ACCESS. Adequate access to a public street shall be provided for each parking space, and driveway openings shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.
- (b) SIZE. Size of each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.
- (c) LOCATION. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No commercial or industrial parking stall or driveway shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- (d) SURFACING. All off-street parking areas shall be graded and surfaced so as to minimize dust and be properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) CURBS. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (f) NUMBER OF STALLS. Number of parking stalls required are shown in the following table:

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwellings and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room + 1 stall for each 3 employees
Hospitals, dormitories, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 15 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment, repair shops, retail and service stores	1 stall for each 300 square feet of floor area (Amended 08-15-06)
Manufacturing and processing plants, laboratories, and warehouses	1 stall for every 3 employees; number of employees shall be construed to mean the maximum number on the premises at one time.
Financial institutions, business,	1 stall for each 300 square

government and professional offices	Feet of floor area
Funeral homes	1 stall for each 4 seats plus 1 stall for each vehicle used with the business.
Bowling alleys	5 stalls for each alley

- (g) USES NOT LISTED. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (h) COMBINED USES. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (i) HANDICAPPED PARKING REQUIREMENTS. In addition to any other requirements relating to parking spaces contained in these ordinances, the provisions contained in Sections 101.13, 346.503, and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto, are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

SEC. 10-1-63      DRIVEWAYS.

All driveways installed, altered, changed, replaced, or extended after the effective date of this Chapter shall meet the following requirements:

- (a) ISLANDS between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
- (b) OPENINGS for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
- (c) VEHICULAR ENTRANCES AND EXITS to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages, or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, public emergency shelter, or other place of public assembly.

SEC. 10-1-64      HIGHWAY ACCESS.

- (a) No direct private access shall be permitted to the existing or proposed rights-of-way of: expressways; nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (1) Freeways, Interstate Highways, and their interchanges or turning lanes nor to intersecting or interchanging streets

- within fifteen hundred (1500) feet of the most remote end of the taper of the turning lanes.
- (2) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
- (3) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (d) Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

SEC. 10-1-65      OFF-STREET PARKING RESTRICTIONS IN RESIDENTIAL AREAS.

- (a) WHERE PERMITTED. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
  - (1) A rear yard.
  - (2) A side yard not adjoining a street.
  - (3) A front yard:
    - 1. On one paved or graveled driveway parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line. (Amended 10-15-02)
    - 2. On front yard not nearer than five (5) feet to a front property line or three (3) feet to a side lot line for the purpose to advertise the sale of a vehicle that is legally registered to a resident of the property; the sale vehicle may be parked in the front yard no longer than (14) fourteen days. (Amended 09-20-05)
- (b) Regardless of the provisions of Subsection (a) above, the Plan Commission may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Plan Commission, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this paragraph, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after proceeding under Article D of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.
- (c) VEHICLE LIMITATIONS:
  - (1) In a residential district, accessory off-street parking

facilities provided for uses listed herein shall be solely for the parking of vehicles of patrons, occupants or employees and not more than one truck limited to five tons or less capacity. (Amended 10-15-02)

- (2) Only three (3) licensed vehicles may be parked on the rear or side yard of a residential lot. Vehicles are limited in size to a maximum one (1) ton capacity. (Amended 10-15-02)
- (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
- (4) All motor vehicles parked on a residential lot shall display current license plates.

SEC. 10-1-66 THROUGH SEC. 10-1-69      RESERVED FOR FUTURE USE.



## ARTICLE F

### Modifications

#### SEC. 10-1-70      MODIFICATION OF HEIGHT LIMITATIONS.

The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (a) ARCHITECTURAL PROJECTIONS, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
- (b) SPECIAL STRUCTURES, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
- (c) ESSENTIAL SERVICES, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- (d) COMMUNICATION STRUCTURES, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) AGRICULTURAL STRUCTURES such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (f) PUBLIC OR SEMI-PUBLIC FACILITIES, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (g) SMALL HEIGHT ADDITIONS. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks, and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than twenty-five (25%) percent of the area of the roof on which it is located; provided, further, that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

#### SEC. 10-1-71      LOT WIDTH AND AREA.

Requirements as to lot width and area for the construction of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this Chapter or any amendment thereof increasing the area of width required for such lot, and held at the time in separate ownership from that of adjoining land, provided that the area and the width of such existing lot shall be no less than seventy-five (75%) percent of the required minimum set forth in the Lot, Building and Yard Requirements, Sec. 10-1-23 & Sec. 10-1-24.

SEC. 10-1-72      BUILDING SETBACKS.

In Residential Districts, except for corner lot, required setbacks shall be modified in the following cases:

- (a) Where fifty (50%) percent or more of the frontage on a block is occupied by residences having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

SEC. 10-1-73      EXTENSIONS OF STRUCTURES INTO REQUIRED YARDS.

- (a) The following extensions shall be permitted into required yards:
  - (1) Canopies and marquees in Business Districts 6 feet  
(not permitted in interior side yards)
  - (2) Cornices and similar extensions 1 foot
  - (3) Open fireproof fire escapes 3 feet
  - (4) Eaves 2 feet
- (b) The following restrictions shall apply to the permitted extensions:
  - (1) Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level
  - (2) Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.

SEC. 10-1-74      EXTENSIONS OF STRUCTURES OVER SIDEWALKS.

In the B-1 Business District, canopies attached to business structures at the front property line shall be permitted to extend over the sidewalk, subject to the width restriction of Sec. 10-1-73(a) and the further restrictions of Sec. 10-1-73(b). A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in Chapter 86.04, Wis. Stats.

SEC. 10-1-75      CORNER SIDE YARDS.

Corner lots shall have two front yard setbacks along the street sides and two side yards with a minimum specified for the district.

SEC. 10-1-76      REQUIRED BUFFER STRIPS IN INDUSTRIAL DISTRICTS.

Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any Industrial-Residential boundary, a buffer strip not less than forty (40) feet in width, as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the Residential District, shall be planted within the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the industrial-Residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

SEC. 10-1-77      CUL-DE-SAC AND CURVE RESTRICTIONS.

Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet provided the width at the building setback line is at least eighty (80) feet and the street frontage is no less than forty-five (45) feet.

SEC. 10-1-78    AND SEC. 10-1-79      RESERVED FOR FUTURE USE.





## ARTICLE G

### Signs

#### SEC. 10-1-80      SIGN PERMIT REQUIRED

No sign shall be hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 10-1-81 and without being in conformity with the provisions of this Chapter. The sign shall also meet all the structural requirements of the Building Code.

#### SEC. 10-1-81      SIGNS EXCEPTED

All signs are prohibited in all Residential and Agricultural Districts except the following:

- (a) REAL ESTATE SIGNS not to exceed eight (8) square feet in area which advertises the sale, rental or lease of the premises upon which said signs are temporarily located.
- (b) NAME, OCCUPATION, WARNING SIGNS not to exceed eight (8) square feet located on the premises.
- (c) BULLETIN BOARDS for public, charitable or religious institutions not to exceed twenty-four (24) square feet in area located on the premises.
- (d) MEMORIAL SIGNS, tablets, names of buildings, historical designations, and date of erection, when cut into masonry surface or when constructed of metal and affixed flat against a structure.
- (e) OFFICIAL SIGNS, such as traffic control, parking restrictions, information and notices.
- (f) TEMPORARY SIGNS OR BANNERS, defined as signs placed for less than six months. (Amended 03-15-05)
- (g) SUB-DIVISION OR APARTMENT COMPLEX names placed at the entrance or in front of the complex which list the names of the apartment, name and phone number of manager for rental or sale information, not to exceed thirty-two (32) square feet.
- (h) POLITICAL CAMPAIGN SIGNS: Must be removed within (48) forty-eight hours after the election. (Added 03-15-05)

#### SEC. 10-1-82      SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS

Signs are permitted in all Business and Industrial Districts, subject to the following restrictions:

- (a) SIGNS PROHIBITED IN PUBLIC WAYS. Except for traffic signs and

signals, signs specifically permitted to project into the public way by this Chapter, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. Except for signs projecting from business structures located on the front property line, any signs located upon, or encroaching upon, any public way shall be removed within one (1) year of the adoption of this Chapter. Permits for signs projecting into the right-of-way of any street shall be revocable as provided in Chapter 86.04, Wis. Stats.

- (b) LIGHTING. Signs that are illuminated by intermittent, rotating or flashing lights shall meet Dept. of Transportation and State regulations.
- (c) GROUND SIGNS. One ground sign will be permitted per lot (no exceptions). Multiple businesses are allowed on the sign, but the sign cannot exceed 200 square feet in any situation, or exceed 35 feet in height. All applicable setback lines must be observed. (amended 12/19/06 and 6/17/14)
- (d) BILLBOARDS ON VACANT LOTS. Vacant lots upon which billboards now exist shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.
- (e) SIGNS PROJECTING INTO STREET. No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend beyond the front face of curb.
- (f) TERMINATION OF A BUSINESS. At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings.
- (g) SHOPPING CENTERS OR INDUSTRIAL PARKS. In a shopping center or industrial park, one (1) free-standing identification sign may be permitted, showing the name of said center or park and the represented businesses or industries. The area of said sign shall not exceed 200 square feet on one (1) face and 400 square feet on all faces. Said sign shall not be permitted within twenty (20) feet of the right-of-way line of the street. (amended 6/17/14)
- (h) SURFACE DISPLAY AREA. The total surface display area of business or industrial signs on the front facade of a building shall not exceed three (3) square feet per linear foot of width of the building frontage. In the case of a building located on a corner lot, such display area on the side facing the secondary street may be increased by one (1) square foot per linear foot of the length of the building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 square foot per linear foot of width or length of the building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on the part of the building which abuts said parking lot. In no case, shall the wall area usable for sign display be in excess of two hundred (200)

square feet, and in no case shall more than one of the abovementioned criteria be used to calculate allowable sign area on any one (1) building facade.

- (i) PROJECTIONS BEYOND BUILDING LINE. Business and industrial signs mounted on buildings shall not be permitted to project more than forty-eight (48) inches beyond the building line.
- (j) NUMBER OF SIGNS. (amended 01-18-05) Where only one business occupies a building, no more than one (1) business or industrial sign shall be permitted on the front façade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. In addition, where only one business occupies a building, only one (1) business or industrial sign shall be permitted on each side or rear wall of a business or industrial building. However, in the event more than one business occupies a specific building, the standards set forth in (h) above, dealing with Surface Display Area for multiple businesses located in one location the following guidelines will be used. One (1) business may use 100% of allotted area. Two (2) businesses may use 150% of the allotted area. Three or more businesses may use 200% of the allotted area.
- (k) DIRECTIONAL SIGNS. Necessary directional ground signs, not exceeding four (4) square feet in area, will be permitted. Permission to erect such signs must be obtained from the Police Department and from the Plan Commission.
- (l) LIGHTING. Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare, and no sign shall have lighting of an intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- (m) OBSTRUCTION OF OPENINGS. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- (n) STREET INTERSECTIONS. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (o) HEIGHT. No sign shall be erected above the roof line of a building or more than thirty (30) feet from the ground.
- (p) BILLBOARDS. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised, shall not be permitted in any district.
- (q) HANGING SIGNS. Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts, provided that there shall be only one (1) sign (not to exceed five (5) square feet in area) for each business and that the sign shall be at least ten (10) feet above ground level.

SEC. 10-1-83      SIGNS RESEMBLING TRAFFIC CONTROL DEVICES.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

SEC. 10-1-84      EXISTING SIGNS.

Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of Article H shall apply.

SEC. 10-1-85      BILLBOARDS TO BE REMOVED.

Billboards shall be removed by the person owning such billboard, or the owner of the property on which such billboard is located within one year from the date of the passage of this Chapter. Should the owner of the billboard or the owner of the property on which a billboard is located fail to remove such billboard within one (1) year, the Building Inspector shall, following sixty (60) days written notice to the owner of the billboard and the owner of the property on which the billboard is located, cause the billboard to be removed at the expense of the owner of the billboard.

SEC. 10-1-86 THROUGH SEC. 10-1-89      RESERVED FOR FUTURE USE.

## ARTICLE H

### Nonconforming Uses, Structures and Lots

#### SEC. 10-1-90      EXISTING NONCONFORMING USES.

- (a) The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

#### SEC. 10-1-91      ABOLISHMENT OR REPLACEMENT.

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

#### SEC. 10-1-92      EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

#### SEC. 10-1-93      CHANGES AND SUBSTITUTIONS.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a

more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

SEC. 10-1-94      SUBSTANDARD LOTS.

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, providing such lot or parcel was of record in the County Register of Deeds office before the effective date or amendment of this Chapter, provided the requirements of Sec. 10-1-71 are met.

SEC. 10-1-95    THROUGH    SEC. 10-1-99    RESERVED FOR FUTURE USE.





## **ARTICLE I**

### **Performance Standards**

#### SEC. 10-1-100      COMPLIANCE WITH PERFORMANCE STANDARDS.

This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

#### SEC. 10-1-101      AIR POLLUTION.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718 in any Industrial District.

#### SEC. 10-1-102      FIRE AND EXPLOSIVE HAZARDS.

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

#### SEC. 10-1-103      GLARE AND HEAT.

Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building, in such a manner as not to create a public nuisance or hazard across lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Illumination which has its source in a manufacturing district shall, in no case, be permitted to exceed 0.1 foot candle in an adjoining Residence District.

SEC. 10-1-104      LIQUID OR SOLID WASTES.

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

SEC. 10-1-105      NOISE.

- (a) No activity shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency</u> <u>(Cycles Per Second)</u>	<u>Sound Level</u> <u>(Decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

- (b) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittance, duration, beat frequency, impulse character, periodic character or shrillness.

SEC. 10-1-106      ODORS.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises.

SEC. 10-1-107      RADIOACTIVITY AND ELECTRICAL DISTURBANCES.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

SEC. 10-1-108      VIBRATION.

No activity in any district shall emit vibrations which are discernible without instruments outside its premises.

SEC. 10-1-109      RESERVED FOR FUTURE USE.



## ARTICLE J

### Fences and Hedges

#### SEC. 10-1-110      DEFINITIONS; FENCES AND HEDGES.

- (a) DECORATIVE FENCE: A fence not exceeding a height of thirty-six (36) inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).
- (b) FENCE: Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include "decorative fence."
- (c) HEDGE: A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (d) PICKET FENCE: A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.
- (e) RETAINING WALL: A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this Section.

#### SEC. 10-1-111      FENCE SETBACK IN RESIDENTIAL ZONED DISTRICTS.

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

#### SEC. 10-1-112      FENCE STANDARDS. Amended 12-18-12

- (a) RESIDENTIAL FENCES are permitted in residential districts but shall not in any case exceed a height of six (6) feet; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way. Residential fences shall have a two (2) foot rear and side yard setback from a property line.
- (b) SECURITY FENCES are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (c) PROHIBITED FENCES. No fence shall be constructed which is a barbed wire fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to

electrically shock; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.

- (d) FENCES TO BE REPAIRED. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (e) A permit must be obtained prior to constructing or repairing any fence.

SEC. 10-1-113      FENCES AROUND SWIMMING POOLS.

In-ground swimming pools, and swimming pools having an above ground sidewall height of eighteen (18) inches or more either permanently installed or kept filled for periods of one (1) week or more, shall be fenced as follows:

- (a) The fence shall have a minimum height of four (4) feet above the top of the in-ground pool wall.
- (b) Fence gates shall be locked or secured to prevent entry when the pool is not in use so as to prevent uncontrolled access by children to the pool water.
- (c) The fence and/or surrounding structures shall enclose the entire pool area.

SEC. 10-1-114      HEDGES.      Amended 12-18-12

The height and setback for hedges shall be the same as outlined for fences in Sections 10-1-111 and 10-1-112 hereof; provided, however, hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained. A permit is not required to plant hedges, but a site plan must be submitted prior to any planting.

SEC. 10-1-115      TEMPORARY FENCES.

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in Sections 10-1-111 and 10-1-112. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

SEC. 10-1-116      NONCONFORMING FENCES AND HEDGES.

Any fence or hedge existing on the effective date of this Code of Ordinances and not in conformance with this Article may be maintained, but no alteration, modification or improvement of same shall be permitted unless as a result of such alteration, modification or improvement said fence shall comply with this Section.

SEC. 10-1-117 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.

## Article K

### Alternate Communications Systems; Wind Energy Systems (Adopted 4/9/96)

#### SEC. 10-1-120                      WIND ENERGY SYSTEMS.

No wind energy conversion systems shall be allowed in the Village.

#### SEC. 10-1-121                      INSTALLATION OF DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNA

(a) DEFINITIONS.

- (1) Dish-type Signal Receiving Antenna, also referred to as "earth stations" or "ground stations," shall mean one or a combination of two or more of the following:
  - a. A signal receiving device (antenna, dish antenna or dish-type antenna, the purpose of which is to receive communications or other signals from satellites in earth orbit and other extra-terrestrial sources.
  - b. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  - c. A coaxial cable, the purpose of which is to carry or transmit the signals to a receiver.
- (2) Receiver A television set or radio receiver.
- (3) Dish That part of the satellite signal receiving antenna characteristically shaped like a saucer or dish
- (4) Grounding Rod. A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(b) PERMIT REQUIRED

- (1) No permit is required for any earth station which is 36" or less in diameter.
- (2) No person shall construct or erect an earth station over 36" in diameter without a permit nor shall construction commence before a permit is issued pursuant to this section. Application for permit shall be made in the same manner as building permits under 10-4-2.

(c) GENERAL REQUIREMENTS FOR EARTH STATIONS

- (1) No earth station over 36" in diameter shall be constructed in any front yard in any R-1, R-2 or R-3 district.
- (2) All earth stations shall comply with the side and rear lot line dimensions and setback requirements for accessory structures, as specified in the zoning district where the earth station is to be located.

- (3) No earth station shall be linked physically or electronically to any receiver which is not located on the same lot, premises or parcel of land as the earth satellite.
- (4) No earth station dish shall exceed 12 feet in diameter.
- (5) All earth stations shall comply with the height requirements specified in the zoning district where the earth station is located.
- (6) All earth stations shall be erected and designed so as to reduce visual impact for surrounding property at street level and from public streets.

SECTIONS 10-1-122 THROUGH 10-1-129

RESERVED FOR FUTURE USE.





## **ARTICLE L**

### **Administration**

#### SEC. 10-1-130      ZONING BOARD OF APPEALS.

- (a) MEMBERSHIP. The Zoning Board of Appeals shall be appointed pursuant to Title 2, Chapter 4 of this Code of Ordinances.
- (b) MEETINGS AND RULES. All meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine. All hearings conducted by the said Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. The Board of Appeals shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (c) OFFICES. The Village Board shall provide suitable offices for the Board of Appeals for holding of hearings and the presentation of records, documents, and accounts.
- (d) APPROPRIATIONS. The Village Board shall appropriate funds to carry out the duties of the Board of Appeals and the Board of Appeals shall have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- (e) JURISDICTION AND AUTHORITY. The Board of Appeals shall have the jurisdiction and authority as specified in Title 2, Chapter 4 of this Code of Ordinances.

#### SEC. 10-1-131      APPEALS TO THE ZONING BOARD OF APPEALS.

- (a) SCOPE OF APPEALS. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village, affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question.
- (b) STAY OF PROCEEDINGS. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- (c) CONCURRING VOTE. The concurring vote of four (4) members of the

Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility temporary, unclassified, or substituted use.

SEC. 10-1-132      HEARING OF APPEALS AND VARIANCES.

The Board of Appeals shall fix a reasonable time, not more than thirty (30) days from the date of filing, for the hearing of an appeal and shall give due notice thereof to all the parties involved. The Board or any of its officers it shall designate shall cause such hearings to be published in the Village's newspaper or newspapers.

SEC. 10-1-133      POWERS OF ZONING BOARD OF APPEALS.

In addition to these powers enumerated in Title 2, Chapter 4 of this Code, the Board of Zoning Appeals shall have the following powers;

- (a) ERRORS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- (b) VARIANCES. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (c) INTERPRETATIONS. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- (d) SUBSTITUTIONS. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (e) UNCLASSIFIED USES. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
- (f) TEMPORARY USES. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (g) PERMITS. The Board may reverse, affirm wholly or partly, modify

the requirements appealed from, and may issue or direct the issue of a permit.

SEC. 10-1-134      VARIATIONS. Amended 01-21-03

(a) PURPOSE.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship, or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Ordinances as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Ordinances will result in unnecessary hardship and so that the spirit of the Zoning Ordinance shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area, or permit standards lower than those required by state law. The Board of Appeals shall apply the standards of Sec. 10-1-133(d).
- (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

(b) APPLICATION FOR VARIATION. The application for variation shall be filed with the Clerk-Treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

- (1) Name and address of applicant and all abutting and opposite property owners of record.
- (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
- (3) Address and description of the property.
- (4) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 10-1-12 for a Zoning permit.
- (5) Additional information required by the Plan Commission, Village Engineer, Board of Zoning Appeals, or Building Inspector.
- (6) Fee receipt from the Clerk-Treasurer in the amount as set forth in Section 1-1-8.

(c) PUBLIC HEARING OF APPLICATION. The Board of Appeals shall conduct

at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one or more of the newspapers in general circulation in the Village of Pardeeville, and shall give due notice to the parties in interest, the Building Inspector, and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Inspector and Plan Commission.

(d) ACTION OF THE BOARD OF APPEALS. For the Board to grant a variance it must find that:

- (1) Denial of variation may result in hardship to the property owner due to physiographical considerations. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought, and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
- (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

(f) CONDITIONS. The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

(g) EXPIRATION. Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(h) REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

- (a) AUTHORITY.
  - (1) Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.
  - (2) Such change or amendment shall be subject to the review and recommendation of the Plan Commission and the appropriate Joint Extraterritorial Zoning Committee.
- (b) INITIATION. A change or amendment may be initiated by the Village Board, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (c) PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Clerk-Treasurer, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
  - (1) Plot Plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the areas proposed to be rezoned.
  - (2) Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
  - (3) Additional Information required by the Plan Commission, Joint Extraterritorial Zoning Committee, or Village Board.
  - (4) Fee Receipt from the Clerk-Treasurer in the amount as set forth in Section 1-1-8.
- (d) RECOMMENDATIONS.
  - (1) The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.
  - (2) The appropriate Joint Extraterritorial Zoning Committee and the Plan Commission shall review all proposed changes and amendments within the extraterritorial zoning jurisdiction, but only the members of the appropriate Joint Committee shall vote on matters relating to their zoning jurisdiction.
- (e) HEARINGS.
  - (1) The Village Board shall hold a public hearing upon each recommendation, giving at least ten (10) days' prior notice by publication at least two (2) times during the preceding thirty (30) days, listing the time, place, and the changes or amendments proposed. The Village Board shall also give at least ten (10) days' prior written notice to the clerk of any municipality within one thousand (1,000) feet of any

- land to be affected by the proposed change or amendment.
- (2) Prior to the Village Board hearing, the appropriate Joint Extraterritorial Zoning Committee shall hold a public hearing upon each proposed change or amendment within their zoning jurisdiction, giving at least ten (10) days' prior notice by publication at least three (3) times during the preceding thirty (30) days listing the time, place, and the changes or amendments proposed. The Joint Committee shall mail notice to the clerk of the affected town.
- (f) BOARD'S ACTION.
- (1) Following such hearing and after careful consideration of the Plan Commission's and appropriate Joint Extraterritorial Zoning Committee's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.
- (2) The Plan Commission's recommendations may only be overruled by three-fourths (3/4) of the full Village Board's membership.
- (g) PROTEST. In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of twenty (20%) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20%) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

SEC. 10-1-136      PENALTIES.

Failure to comply with the provisions of this Chapter shall be regarded as violation and any person who commits such violation shall be liable to a forfeiture of not less than Twenty-five (\$25.00) Dollars or not more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned up to ninety (90) days in the Columbia County Jail. Each day a violation is continued shall be considered a separate offense.

SEC. 10-1-137      ADOPTION OF COMPREHENSIVE PLAN.

The Village's Comprehensive Plan (2010 - 2030) can be viewed in its entirety at the Village Hall office at 114 Lake Street.

SEC. 10-1-138    THROUGH    SEC. 10-1-139    RESERVED FOR FUTURE USE.





## ARTICLE M

### Storage and Parking of Recreational Vehicles

#### SEC. 10-1-140      DEFINITIONS -- RECREATIONAL VEHICLES.

For purposes of this Article, the following definitions shall apply:

- (a) **MOBILE HOME.** Mobile home means a structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Length of a mobile home means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width of a mobile home means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions, or other attachments.
- (b) **RECREATIONAL VEHICLE.** Recreational vehicle means any of the following:
  - (1) Travel Trailer means a vehicular, portable structure built on a chassis and on wheels; that is between ten (10) and thirty-six (36) feet long, including the hitch and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
  - (2) Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
  - (3) Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
  - (4) Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
  - (5) Chassis Mounts, Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated there

from.

- (6) Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- (7) Boat or Snowmobile Trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article is termed an unmounted boat or snowmobile.
- (c) BOAT. Boat means every description of watercraft used or capable of being used as a means of transportation on water.
- (d) YARD, FRONT, means that part of a lot between the front lot line and front(s) of the principal building on the lot, and extended to both side lot lines.
- (e) YARD, REAR, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot, and extended to both side lot lines.
- (f) YARD, SIDE, means that part of a lot not surrounded by building and not in the front or rear yard.

State Law Reference: Section 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

SEC. 10-1-141      PERMITTED PARKING OR STORAGE OF RECREATIONAL VEHICLES.

In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:

- (a) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
- (b) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
- (c) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:
  - (1) a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
  - b. A corner lot is always deemed to have reasonable access to the rear yard.
  - c. A fence is not necessarily deemed to prevent reasonable access.
- (2) Inside parking is not possible.
- (3) The unit is parked perpendicular to the front curb.
- (d) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
- (e) No part of the unit may extend over the public sidewalk or public right-of-way.
- (f) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:

- (1) Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one calendar year. Cooking is not permitted at any time. Recreational vehicles being used for temporary dwelling purposes under this Subsection may be parked in a front yard area for a time not to exceed fourteen (14) days.
- (2) Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
- (3) Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (g) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (h) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

SEC. 10-1-142 THROUGH SEC. 10-1-149

RESERVED FOR FUTURE USE.



## ARTICLE N

### Definitions

#### SEC. 10-1-150     DEFINITIONS.

- (a) For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.
- (1) Abutting. Having a common property line or district line.
  - (2) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure, and, in the case of a building, does not occupy more than thirty (30%) percent of the required rear yard.
  - (3) Alley. A special public right-of-way affording only secondary access to abutting properties.
  - (4) Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
  - (5) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
  - (6) Basement. That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
  - (7) Billboard. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
  - (8) Block. A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
  - (9) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding six (6) persons and not open to transient customers.
  - (10) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
  - (11) Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not

including basement, utility rooms, garages, porches, breeze ways, and unfinished attics.

- (12) Building Height. The vertical distance measured from the finished lot grade along the street yard face of the structure to the highest point of the roof.
- (13) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (14) Building Inspector. The employee of the Village of Pardeeville, Wisconsin, officially designated to administer the Building and Zoning Ordinances. The Building Inspector is also referred to as the Zoning Inspector.
- (15) Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (16) Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (17) Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
- (18) Cellar. A portion of a building located partly or wholly underground, and having two-thirds (2/3) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement.")
- (19) Certificate of Occupancy. A written statement issued by the Zoning Inspector which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Ordinance for the specified use and occupancy.
- (20) Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.
- (21) Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.
- (22) Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.
- (23) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
- (24) Collector Highway. Serves as a linkage between local roads and arterials. "High" collectors serve communities exceeding two hundred (200) population and significant recreational centers. "Low" collectors de-emphasize mobility and carry generally low traffic volumes.
- (25) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (26) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this ordinance.
- (27) Corner Lot. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135)

- degrees or less, measured on the lot side.
- (28) Curb Grade. The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.
  - (29) Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
  - (30) Dwelling Unit. One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
  - (31) Dwelling, One-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family.
  - (32) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by two (2) families, living independently of each other.
  - (33) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and group houses.
  - (34) Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.
  - (35) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.
  - (36) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, lift stations, and hydrants, but not including buildings.
  - (37) Expressway. A divided Principal or Primary Arterial highway with full or partial control of access and with or without grade separated intersections.
  - (38) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
  - (39) Farm. Land consisting of two (2) or more acres on which produce, crops, livestock or flowers are grown primarily for off-premise consumption or use.
  - (40) Floor Area.
    - a. For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the

exterior walls or from the center lines of walls or partitions separating dwelling units.

- b. For Uses Other Than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
- (41) Freeway. An expressway 'With full control of access and with fully graded separated intersections.
- (42) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (43) Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
- (44) Frontage, Lot. The smallest dimension of a lot abutting a public street, measured along the street line.
- (45) Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one 1 automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one 1 commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.
- (46) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (47) Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (48) Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
- (49) Household Occupations. Any occupation or profession for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises. It shall include residences of baby-sitters, milliners, dressmakers, launderers, crafts and canners, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. It shall not exceed twenty-five (25%) percent of the gross floor area of the dwelling, nor include the display of goods visible from outside the premises.
- (50) Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.
- (51) Joint Extraterritorial Zoning Committee. Any Zoning Committee established in accordance with Section 62.23(7a)



of the Wisconsin Statutes.

- (52) Junk Yard. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- (53) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- (54) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (55) Local Highway. Roads which are intended to move vehicles from individual parcels to the higher order road systems, and should not carry through traffic. Local roads carry low traffic volumes.
- (56) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Chapter.
- (57) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (58) Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (59) Lot, Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (60) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both public streets shall be deemed front lot lines.
- (61) Lot, Zoning. A single tract of land located within a single block, which at time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.
- (62) Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (63) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (64) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
- (65) Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.
- (66) Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses;

- play equipment; arbors; and walls and fences under four (4) feet in height.
- (67) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.
  - (68) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.
  - (69) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
  - (70) Nonconforming Uses or Structures. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto which does not conform to the regulations of this Chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
  - (71) Nursery School. Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.
  - (72) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
  - (73) Parking Facility/Lot. A structure or an open space other than an alley used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
  - (74) Parking Space. A graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
  - (75) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
  - (76) Planned Area Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.
  - (77) Primary Arterial Highway. Serves long trips with high mobility. Connects regions or important cities. Serves communities with over five thousand (5,000) population by 1990. Continuous system in combination with Principal Arterials. Provides high level of service with only slight variation.
  - (78) Principal Arterial Highway. Serves longest trips with highest mobility. Connects states, regions or metropolitan areas, serves cities with over fifty thousand (50,000) population by 1990. Continuous, interconnected system with

uninterrupted maximum level of services.

- (79) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.
- (80) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (81) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (82) Setback. The minimum horizontal distance between the front lot line and a structure.
- (83) Shopping Center. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See "Planned Area Development.")
- (84) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.
- (85) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (86) Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
- (87) Standard Arterial Highway. Serves long trips with good mobility. Has intraregional and inter-community connections. Serves communities with over one thousand (1,000) population. Is a generally continuous system in combination with Principal and Primary Arterials. Provides good level of service under varying operating conditions.
- (88) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (89) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than two (2) feet above the floor of

such story.

- (90) Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.
- (91) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (92) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (93) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (94) Travel Trailer. A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of four thousand, five hundred (4,500) pounds or a maximum length of twenty-eight (28) feet.
- (95) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
- (96) Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Ordinance.
- (97) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (98) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (99) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- 100) Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.

**CHAPTER 2: VILLAGE OF PARDEEVILLE  
FLOODPLAIN ZONING ORDINANCE**

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1.0	<b><u>STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS</u></b>	
1.1	<b><u>STATUTORY AUTHORIZATION</u></b>	
	This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.	
1.2	<b><u>FINDING OF FACT</u></b>	
	Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.	
1.3	<b><u>STATEMENT OF PURPOSE</u></b>	
	This ordinance is intended to regulate floodplain development to:	
	(1) Protect life, health and property;	
	(2) Minimize expenditures of public funds for flood control projects;	
	(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;	
	(4) Minimize business interruptions and other economic disruptions;	
	(5) Minimize damage to public facilities in the floodplain;	
	(6) Minimize the occurrence of future flood blight areas in the floodplain;	
	(7) Discourage the victimization of unwary land and homebuyers;	
	(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and	
	(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.	
1.4	<b><u>TITLE</u></b>	
	This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Pardeeville, Wisconsin.	
1.5	<b><u>GENERAL PROVISIONS</u></b>	
	<b><u>(1) AREAS TO BE REGULATED</u></b>	
	This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood	

Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 8.0 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Pardeeville. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS : Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel number 55021C0287F, 55021C0289F, 55021C0291F, and 55021C0293F, dated May 16, 2016;

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.



(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Columbia County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official

zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

## **2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

## **2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

(1) No floodplain development shall:

- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

## **2.2 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

## **2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

## **2.4 PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services;
- (2) A land use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other

applicable regulations;

- (6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0, 4.0 or 5.0 for the floodplain district in which the structure is located;
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

### **3.0 FLOODWAY DISTRICT (FW)**

#### **3.1 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.4.

#### **3.2 PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in s. 3.3 and 3.4; and
  - all permits or certificates have been issued according to s. 7.1.
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 3.3 and 3.4.
- (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with s. 3.3(3).

### **3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY**

#### **(1) GENERAL**

- (a) Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- (b) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c):
  - 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - 2. An analysis calculating the effects of this proposal on regional flood height.
- (c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

#### **(2) STRUCTURES**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
  - (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - (c) Must be anchored to resist flotation, collapse, and lateral movement;
  - (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
  - (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (3) PUBLIC UTILITIES, STREETS AND BRIDGES  
Public utilities, streets and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
  - (b) Construction meets the development standards of s. 2.1.
- (4) FILLS OR DEPOSITION OF MATERIALS  
Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of s. 2.1 are met;
  - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
  - (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - (d) The fill is not classified as a solid or hazardous material.

### **3.4 PROHIBITED USES**

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

#### **4.0 FLOODFRINGE DISTRICT (FF)**

##### **4.1 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

##### **4.2 PERMITTED USES**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

##### **4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

S. 2.1 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- (a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s 4.3 (1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- (d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - 1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - 2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the



requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**5.0 GENERAL FLOODPLAIN DISTRICT (GFP)**

**5.1 APPLICABILITY**

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

**5.2 PERMITTED USES**

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

**5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

s. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

- (a) at or above the flood protection elevation; or
- (b) two (2) feet above the highest adjacent grade around the structure; or

- (c) the depth as shown on the FIRM
- (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

#### **5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
  - (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

#### **6.0 NONCONFORMING USES**

##### **6.1 GENERAL**

###### **(1) APPLICABILITY**

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

- (c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- (e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance.

Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).

- (f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- (g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

#### 1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
  - f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
2. Nonresidential Structures
- a. Shall meet the requirements of s. 6.1(2)(h)1a-b, e-f.
  - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).
  - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).
- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

## **6.2 FLOODWAY DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (a) Has been granted a permit or variance which meets all ordinance requirements;
  - (b) Meets the requirements of s. 6.1;
  - (c) Shall not increase the obstruction to flood flows or regional flood height;
  - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
  - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
  2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
  3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  4. The use must be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

### **6.3 FLOODFRINGE DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (b) Human lives are not endangered;
  - (c) Public facilities, such as water or sewer, shall not be installed;
  - (d) Flood depths shall not exceed two feet;
  - (e) Flood velocities shall not exceed two feet per second; and
  - (f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 7.5(3) and ch. SPS 383, Wis. Adm. Code.
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

## **7.0 ADMINISTRATION**

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

## **7.1 ZONING ADMINISTRATOR**

### **(1) DUTIES AND POWERS**

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:
  - 1. All permits issued, inspections made, and work approved;



2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses. .

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;
2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT  
All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
  - a. Hydrology
    - i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
  - b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

    - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

- ii. channel sections must be surveyed.
  - iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
  - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
  - v. the most current version of HEC\_RAS shall be used.
  - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
  - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

## 2. Zone AE Floodplains

### a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

### b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

#### i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

#### ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

#### iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

#### iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

#### v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction

plans and survey notes.

- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**7.2 ZONING AGENCY**

(1) The Planning Commission shall:

- (a) oversee the functions of the office of the zoning administrator; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The Planning Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or

- (b) amend the text or zoning maps in place of official action by the governing body.

### **7.3 BOARD OF ADJUSTMENT/APPEALS**

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

#### **(1) POWERS AND DUTIES**

The Board of Adjustment/Appeals shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

#### **(2) APPEALS TO THE BOARD**

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

#### **(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**

##### **1. Notice - The board shall:**

- a. Fix a reasonable time for the hearing;
- b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

##### **2. Hearing - Any party may appear in person or by agent. The board shall:**

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4);  
and
- c. Decide appeals of permit denials according to s. 7.4.

(c) **DECISION:** The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;
2. Be sent to the Department Regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:



1. Literal enforcement of the ordinance will cause unnecessary hardship;
  2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  3. The variance is not contrary to the public interest; and
  4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
1. The variance shall not cause any increase in the regional flood elevation;
  2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
  3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district;
  2. Be granted for a hardship based solely on an economic gain or loss;
  3. Be granted for a hardship which is self-created.
  4. Damage the rights or property values of other persons in the area;
  5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
  6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to

life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

#### **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
  - (a) Permit application data listed in s. 7.1(2);
  - (b) Floodway/floodfringe determination data in s. 5.4;
  - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
  - (d) Other data submitted with the application, or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
  - (a) Follow the procedures of s. 7.3;
  - (b) Consider zoning agency recommendations; and
  - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
  - (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
  - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

#### **7.5 FLOODPROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

- (a) certified by a registered professional engineer or architect; or
- (b) meets or exceeds the following standards:
  - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2. the bottom of all openings shall be no higher than one foot above grade; and
  - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
  - (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral movement;
  - (d) Minimize or eliminate infiltration of flood waters; and
  - (e) Minimize or eliminate discharges into flood waters.

#### **7.6 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

#### **8.0 AMENDMENTS**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

#### **8.1 GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

#### **8.2 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by s. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s.

62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

#### **9.0 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than

\$ 25 (twenty-five dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

#### **10.0 DEFINITIONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE - See "AREA OF SHALLOW FLOODING".
3. AO ZONE - See "AREA OF SHALLOW FLOODING".
4. ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION - An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

6. AREA OF SHALLOW FLOODING - A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING - See STRUCTURE.
10. BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT - The Wisconsin Department of Natural Resources.

18. DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT - Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood

and associated with standing water rather than flowing water.

26. FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional



flood discharge.

36. FREEBOARD - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE - Any structure that is either:
  - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not

attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43. LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE - Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE - The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

51. MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. MODEL, CORRECTED EFFECTIVE - A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE - A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE - The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) - A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) - A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD or NORTH AMERICAN VERTICAL DATUM - Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the

"start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. NONCONFORMING STRUCTURE - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. NONCONFORMING USE - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
65. OPEN SPACE USE - Those uses having a relatively low flood damage potential and not involving structures.
66. ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. PERSON - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. PRIVATE SEWAGE SYSTEM - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land or damage structures to be removed from the

floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. REGIONAL FLOOD - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. STRUCTURE - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.
75. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's

continued designation as a historic structure.

77. UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. VARIANCE - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.
81. WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Date of Public Hearing: June 21, 2016 at 6:45 p.m.

Class 2 Hearing Notice Publication Dates: June 7, 2016 and June 14, 2016

(Second must be at least 7 days before hearing, see definition)

Date of Adoption: June 21, 2016 at 7:45 p.m.

Date of Publication: July 1, 2016

## CHAPTER 3

### Subdivision Regulations

- § 10-3-1 Introduction and Purpose
- § 10-3-2 Definitions
- § 10-3-3 General Provisions
- § 10-3-4 Procedure for Submitting Subdivisions
- § 10-3-5 Design Standards .Streets
- § 10-3-6 Design Standards .Block Design
- § 10-3-7 Design Standards .Lots
- § 10-3-8 Flood Protection
- § 10-3-9 Drainage System
- § 10-3-10 Extra-Size or Off-Site Improvements
- § 10-3-11 Non-Residential Subdivisions
- § 10-3-12 Requirements and Design Standards for Public Improvements
- § 10-3-13 Easements
- § 10-3-14 Public Sites and Open Spaces
- § 10-3-15 Variations and Exceptions
- § 10-3-16 Enforcement, Penalties and Remedies
- S 10-3-17 Condominiums

#### **SEC. 10-3-1 INTRODUCTION AND PURPOSE**

- (a) INTRODUCTION. In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Pardeeville does hereby ordain as follows:
  - (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
  - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) PURPOSE. The purpose of this Chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the streets, to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers, to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population, to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village and its

environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village.

State Law Reference: Chapter 236, Wis. Stats.

**SEC. 10-3-2**      **DEFINITIONS.**

- (a) ALLEY. A public right-of-way usually not less than thirty (30) feet in width which normally affords a secondary means of vehicular access to abutting property.
- (b) ARTERIAL STREET. A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land. An arterial street system is designated on the Village's Master Plan.
- (c) CERTIFIED SURVEY MAP/MINOR SUBDIVISION. A map intending to create not more than four (4) parcels of land as provided in Sec. 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of Sec. 236.34, bear a certificate of approval of the Village Board, certified by the Village Administrator.
- (d) COLLECTOR STREET. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (e) CUL-DE-SAC. A short street having but one end open to traffic and the other end being permanently terminated in a vehicular tamarind.
- (f) EASEMENT. The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (g) LOCAL STREET. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (h) LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions, pursuant to the Zoning Ordinance, except as specifically authorized by Village Board.
- (i) LOT, CORNER. A lot abutting intersecting streets at their intersection.
- (j) LOT, REVERSED CORNER. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (k) LOT, THROUGH. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a



corner lot. On a "through lot," both street lines shall be deemed front lot lines.

- (l) LOT, AREA. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (m) LOT LINES. The peripheral boundaries of a lot as defined herein.
- (n) LOT WIDTH. The width of a parcel of land measured along the front building line.
- (o) MAJOR THOROUGHFARE. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkway\*s, as well as arterial streets.
- (p) MARGINAL ACCESS STREET. A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (q) OWNER. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (r) OWNER\*S ENGINEER. A Professional Engineer licensed by the State of Wisconsin who is employed by the Owner to provide design services as needed in this section.
- (s) PEDESTRIAN PATHWAY. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (t) PLAT. The map, drawing or chart on which the Owner\*s plan of subdivision is presented to the Village Board for approval.
- (u) PRIVATE CONTRACTOR. Private parties or companies under contract with the Owner to provide goods and services as needed under this section.
- (v) SUBDIVISION. A division of a lot, parcel or tract of land by the Owner thereof or his agent for the purpose of sale or building development, where:
  - (1) The act of division creates two (2) or more parcels or building sites of two (2) acres each or less in area or
  - (2) Two (2) or more parcels or building sites of two (2) acres each or less in area are created by successive divisions within a period of five (5) years.
- (w) VILLAGE ENGINEER. A Professional Engineer licensed by the State of Wisconsin who is acting as the Village representative as needed in this section.

### **SEC. 10-3-3**

### **GENERAL PROVISIONS**

- (a) COMPLIANCE. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to

land without compliance with all requirements of this Chapter and the following:

- (1) The provisions of Chap. 236 and Sec. 80.08, Wis. Stats.
  - (2) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which about a state trunk highway or connecting street.
  - (3) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
  - (4) **The provisions of Wisconsin Administrative Code Trans 233 shall be met before submission to the Village Board for final approval.**
- (b) JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within one and one-half (1-1/2) miles of the corporate limits as provided in Sec. 236.10 and 62.32, Wis. Stats.
- (c) PERMITS. No building permit shall be issued by the Village authorizing the building on or improvements of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

**SEC. 10-3-4**      **PROCEDURE FOR SUBMITTING SUBDIVISIONS.** Amended 10-15-02

- (a) CERTIFIED SURVEY MAP PROCEDURE: No person, firm, or corporation shall divide any land located within the village limits of the Village of Pardeeville or within its extraterritorial limits which shall result in a minor subdivision as defined under Village Ordinance without first meeting the following requirements:
- (1) A Certified Survey Map, prepared in accordance with Village of Pardeeville Ordinance, 10-3-4(a)(5), shall be submitted to the Plan Commission for review and approval.
  - (3) Plan Commission Review. The Plan commission shall within 31 days or less review the certified survey map based on determination of conformance with the provisions of this ordinance. The Plan Commission shall make a recommendation to the Village Board.
  - (4) Village Board Approval. The Village Board shall be the body responsible for approving certified survey maps after receiving the Plan Commission recommendation.
  - (5) Certified Survey Map Requirements. The certified survey map shall be prepared by a registered land surveyor at a scale of not more than 400 feet to one inch. It shall be submitted in ten (10) copies along with a letter of transmittal and shall include:
    - a. The name and address of the individual(s) dividing the lands.
    - b. The date of the survey.
    - c. A metes and bounds description referenced to a line of

the U.S. Public Land Survey. Where the land surveyed is located within a section, the corners of which have been relocated and monumented by the Village of Pardeeville or within a quarter section adjacent to a relocated corner, the survey shall be tied directly to one of said comers. The exact length and bearing of said tie shall be determined by field measurement and the State Plane coordinates of the corner monument and one corner of the surveyed parcel shall be indicated on the survey.

- d. The locations, rights-of-way widths, and names of existing or proposed streets, alleys or other public way; easements, and railroad and utility rights-of-way included within or adjacent to the proposed land division.
  - e. The locations of existing property lines, buildings, drives, streams and water courses, lakes, marshes, and other significant features within the parcel(s) being created. Buildings or structures and their locations on the parcel(s) shall be dimensioned to the nearest 0.1 feet where the locations of such building or structures will be critical in relation to proposed property boundaries or to zoning yard requirements.
  - f. The area(s) of the parcel(s) being created.
  - g. Utility easements where requested.
  - h. The approximate locations of existing on-site sewage and disposal systems and water wells.
  - i. Access restrictions where applicable.
  - j. When dedication of lands is required, a governmental jurisdiction certificate of acceptance provided legibly on the face of the map.
  - k. When dedication of lands is required, an owner's certificate of dedication prepared in accordance with s. 236.34(1)(e), Wisconsin Statutes, provided legibly on the face of the map.
  - l. The following certificate provided legibly on the face of the map.
- (6) Recording. A copy of the recorded document shall be submitted to the Village Clerk, who shall file with the Columbia County Register of Deeds..
- (7) Building-Permit Issuance. Only after all of the preceding requirements have been met can the building permit(s) be issued.

(b) SUBDIVISIONS. Amended 01-21-03

- (1) Preliminary Meetings. Before filing a preliminary plat, or certified survey, the Owner is encouraged to consult with the Plan Commission and/or its consulting staff for advice regarding how a general subdivision drawn on a topographic survey map should be submitted. The Owner shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

(2) Preliminary Plat.

- a. Proposed Development Plan; The property owner (not the developer) shall submit to the Village Administrator, at least 15 days prior to the Monthly Village Board Meeting, the following information:
  1. Certified Survey Map of the Property.
  2. Proposed Lot Plan showing orientation and lot sizes.
  3. Clear statement of who owns the property, who will develop the property and the intended schedule for development of the property.
  4. Clear statement of the intended type of development including sale prices of raw land, developed land and house sales prices.
  5. Payment as set forth in Section 1-1-8 per proposed lot as prepayment for Village costs. This is refundable if the plat is not approved less any costs incurred by the Village for meetings and review fees. Amended 01-21-03
- b. The Village Board shall submit a copy of the preliminary plan to the Village Plan Commission, and to the Village Engineer for review and written report of their recommendations and reactions to the proposed plan.
- c. After review of the preliminary plan and negotiations with the Owner on changes being advisable and the kind and extent of public improvements which will be required, the Plan Commission shall reject or approve conditionally the preliminary plan.
- d. If the Plan Commission rejects the plan, it shall return it to the Owner. If it approves or conditionally approves the plan, it shall so notify the Village Board.
- e. If the Plan Commission approves the preliminary plan, the Village Board shall approve conditionally or reject such plan and shall state, in writing, any conditions of approval or reasons for rejection. The Village Administrator shall communicate to the Owner the action of the Village Board. If the plan is approved, the Village Administrator shall endorse it for the Village Board.
- f. Approval by the Village Board of the Development Plan shall permit the Owner to submit to the Village Engineer Final Plans, Specifications and Final Plat of Subdivision for review and recommendation to the Village Plan Commission. All submissions shall be made at least 15 days before the next scheduled Plan Commission Meeting. A copy of the Village Engineer's recommendations shall be provided to the Owner prior to submission to the Plan Commission.

- (3) Property Owners Association. The Plan Commission may require submission of a draft of the legal instruments and rules for proposed property owners associations when the Owner proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (4) Affidavit. The surveyor preparing the final plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter, and with all State requirements for plat approval.
- (5) Final Plans. Specifications and Final Plat.
  - a. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 23 6.12(2), Wisconsin Statutes.
  - b. If the plat and plans and specifications of public improvements are satisfactory to the Plan Commission, it shall so notify the Village Board; if they are not satisfactory to the Plan Commission, they shall be rejected in writing and returned to the Owner. If recommended by the Plan Commission, and if permitted by the Village Board, the final plat may constitute only that portion of the approved preliminary plat which the Owner proposes to record at that time.
  - c. The final plat shall be accepted or rejected by the Village Board. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy thereof or a written statement of such reasons supplied to the Owner. The plat shall be recorded prior to the time that lots are offered for sale, reference is made to the map for sales purposes, or use is made of lot and block numbers on the plat.

(c) TECHNICAL DETAILS.

- (1) Final PLAT. A final plat shall be a legible print made from a drawing that shows correctly the following:
  - a. Date, scale, and north point.
  - b. Proposed name of the subdivision.
  - c. Name and post office address of Owner.
  - d. Name and address of developer if different from Owner; name and address of Owner's engineer and surveyor.
  - e. Location and names of adjoining subdivisions and the Owners of undivided lands.
  - f. Small drawing showing the location of the land to be divided, including a general map of the Village and the location of the Subdivision.
  - g. Present zoning of land to be divided and adjoining lands.

- h. Reference to special requirements if the plat is located in a floodplain zoning district.
  - i. Location, width and names of all existing and platted streets, alleys, or other public ways and easements, railroad and public utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges, and other pertinent data, as required by the Plan Commission and/or Village Engineer.
  - j. Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof
  - k. Layout and width of all streets and rights-of-way such as alleys, highways, easements for sewers, water mains, and other public utilities.
  - l. A final plat of a subdivision shall comply in all respects with the requirements of Chapter 236, Wis. Stats.
  - m. Dimensions of and areas of all lots and parcels.
  - n. Building setback lines.
  - o. Contour lines at an interval of not more than one (1) foot with reference to Village datum.
- (2) Construction Plans. As required by Section 10-3-5 through 10-3-9 of this Chapter, the Owner shall furnish with the final plat necessary construction plans of public improvements. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need be prepared for only such portion. However the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Plan Commission and/or Village Engineer is necessary.
- (3) Deed Restrictions. The Village Board shall require that all deed restrictions and covenants be filed with the final plat.
- (4) Property Owners Association. The Village Board shall require the legal instruments creating a property owners association for the ownership and/or maintenance of common lands be filed with the final plat.
- (d) REVIEW AND ACCEPTANCE FEES: Prior to the scheduling for approval of the Final Plot and Final Plans and specifications by the Village Board the Owner shall pay to the Village a fee as set forth in Section 1-1-8. This shall include all previous fees paid in advance for preliminary plan approval and is intended to cover all review and approval costs. This fee is not intended to include construction inspection costs. Amended 01-21-03

- (a) DEDICATION. The Owner shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety.
- (b) SUFFICIENT FRONTAGE. All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (c) COMPLIANCE WITH VILLAGE MASTER PLAN. Layout of streets shall conform to the Village Master Plan.
- (d) AREAS NOT COVERED BY VILLAGE MASTER PLAN. In areas not covered by the Village Master Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) CONTINUATION. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission and/or Village Engineer such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.
- (f) VISIBILITY. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (g) GRADES. Street grades shall not exceed six (6%) percent and shall be at least .5 (0.5%) percent.
- (h) INTERSECTIONS.
  - (1) Property lines at street intersections shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Plan Commission and/or Village Engineer considers it necessary.
  - (2) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.
- (i) STREET NAMES. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and/or Village Engineer.
- (j) STREET DESIGN STANDARDS. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Village Master Plan.

- (k) In the absence of specific road width standards which are not provided by the Village Master Plan the Village Engineer shall determine both overall right-of-way widths and pavement widths based on adjacent existing streets and other planning issues.

#### **SEC 10-3-6**

#### **DESIGN STANDARDS - BLOCK DESIGN**

- (a) LENGTH. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet, nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length.
- (b) RIGHT ANGLE INTERSECTIONS. Wherever possible, right angle street intersections should be encouraged.
- (c) PEDESTRIAN PATHWAYS. Pedestrian pathways, not less than ten (10) feet wide, may be required by the Plan Commission through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- (d) TREES. The Village Board may require that certain species of trees be planted on both sides of all streets.

#### **SEC. 10-3-7**

#### **DESIGN STANDARDS - LOTS**

- (a) Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Lot dimensions shall conform to the requirements of the Zoning Code, but in no case shall have a frontage of less than sixty (60) feet at the building line or a depth of less than one hundred (100) feet.
- (c) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.
- (d) Corner lots for residential use shall have extra width to permit building setback from both streets, as required by the Zoning Code.
- (e) Every lot shall abut or face a public street.
- (f) Side lot lines shall be at right angles to or radial to abutting street lines.
- (g) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential



development from traffic arteries or to overcome specific disadvantages of topography and orientation.

**SEC. 10-3-8**      **FLOOD PROTECTION**

- (a) Filling of all lots in each subdivision is required to a point not less than one (1) foot above the flood protection elevation for the particular area as specified on the flood profile appended to the Floodplain Zoning Ordinance.
- (b) Areas to be filled shall also include all street rights-of-way and other appropriate areas, such as park and open space lands, so that they bear a reasonable relationship to adjoining properties.

**SEC. 10-3-9**      **DRAINAGE SYSTEM**

- (a) DRAINAGE SYSTEM REQUIRED. A drainage system shall be designed and constructed by the Owner to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the Owner shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer.
- (b) DRAINAGE SYSTEM PLANS.
  - (1) The Owner shall submit to the Village Engineer and Plan Commission a report on the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream of or below the proposed subdivision. The report shall also include:
    - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
    - b. Quantities of flow at each inlet or culvert.
    - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
  - (2) A grading plan for the streets, blocks and lots shall be submitted by the Owner for the area within the subdivision.
  - (3) The drainage system shall provide for a 100 year storm capacity. This shall include any additional upstream storage required due to down stream restrictions. The Owner\*s Engineer shall submit to the Village Engineer a separate set of drainage plans showing existing and

proposed drainage patterns, flow rates and storage volumes. This document will be signed and stamped by the Owner's Engineer certifying that the proposed development will not adversely affect any downstream properties with either a greater runoff volume or a higher runoff velocity than is currently existing.

- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.

(c) GRADING. The Owner shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

- (1) The Owner shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
- (2) Block grading shall be completed by one or more of the following methods:
  - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
  - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line,
  - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of two (2%) percent and provisions shall be made to prevent excessive drainage onto adjacent properties.
- (4) The topsoil stripped by grading shall not be removed from the site and shall be uniformly spread over the lots when rough grading is finished.

(d) DRAINAGE SYSTEM REQUIREMENTS, The Owner shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

- (1) Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivisions.
- (2) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the Owner shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet,

but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.

- (e) PROTECTION OF DRAINAGE SYSTEMS. The Owner shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades tip to one [1%] percent shall be seeded; those with grades up to four [4%] percent shall be sodded and those with grades over four [4%] percent shall be paved.)

**SEC. 10-3-10**

**EXTRA-SIZE OR OFF-SITE IMPROVEMENTS.**

- (a) DESIGN CAPACITY. All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- (b) EXTRA-SIZE IMPROVEMENTS. Where improvements in excess of the size needed to serve just the proposed subdivision are required, the Owner shall pay for the total cost of improvements Owner is required to install to serve Owner\*s subdivision. The additional costs which result from the extra-size improvement shall be paid for by the Village. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer, for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the Owner shall construct the eighteen (18) inch utility and bill the Village for the difference in material costs between a twelve (12) inch and eighteen (18) inch sewer pipe.
- (c) OFF-SITE EXTENSIONS. When streets or utilities are not available at the boundary of proposed subdivision, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
  - (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
  - (2) If the Village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by Owners of adjoining land and the Owner may contract with

adjacent property owners and/or owners of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

- (d) Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system in, the Owner shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection supervision and engineering fees for lift stations and/or force mains shall be paid for by the Owner unless otherwise determined and agreed upon by the Village Board.

**SEC. 10-3-11**      **NON-RESIDENTIAL SUBDIVISIONS.**

(a) GENERAL.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall meet such provisions as the Village may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established in the Village Master Plan and Zoning Ordinance.

(b) STANDARDS. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the Owner shall demonstrate to the satisfaction of the Village that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential

residential development and provisions for permanently landscaped buffer strip when necessary.

- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

**SEC. 10-3-12**  
**IMPROVEMENTS.**

**REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC**

- (a) IMPROVEMENTS COMPLETED. All improvements required under this Chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Village Administrator for approval by the Village Board. In lieu of construction of any of the public improvements, the Owner may furnish a Letter of Credit as provided in Subsection (b) of this Section.
- (b) FINANCING. Before a Final Plat is approved by the Village Board, the Owner shall submit an agreement and Letter of Credit or cash escrow agreement to assure the following:
  - (1) The Owner shall pay for the cost of all improvements required in the subdivision by the Village Board.
  - (2) Guaranteed completion of the required improvements within a two (2) year period.
  - (3) Payment by the Owner for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specification by the Engineer, Planner and Attorney, as well as other costs of a similar nature including Commission and Board Meeting fees.
  - (4) The Village may elect to install any of the required improvements under the terms of a cash escrow agreement.
  - (5) The performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Village Engineer's estimated cost of the required improvements.
  - (6) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or Letter of Credit shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the Owner. The Village Board at its option, may extend the bond period for an additional period not to exceed two (2) years.
- (c) PROCEDURE.
  - (1) Plans and Specifications. After approval by the Village Board of the Preliminary Plan the Owner shall submit to the Village Engineer four (4) copies of the Final Plans, Specifications and Final Plat for review and recommendation to the Plan Commission. Included as part of the Final Plans submittal will be paving design calculations, storm water runoff calculations, water main sizing calculations, Engineer's Cost Estimate including quantities, evidence of

capacity to provide a letter of credit and any other information requested by the Village Engineer during the review of the preliminary plan.

- (2) Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter. If he rejects the plans and specifications, he shall notify the Owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve them in writing and so notify the Plan Commission so that it may approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed. The costs associated with the review of the plans and specifications by the Village Engineer shall be charged back to the developer. (01-21-03)
- (3) Construction and Inspection.
  - a. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of Subsection (k) below. Specifically included as required for approval to start work are all permits for Sanitary and Water extensions as required by the DNR and either a NOI for erosion control or a letter signed and stamped by the Owner's Engineer that the project does not require a NOI.
  - b. Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the preliminary plat by the Plan Commission, unless good cause can be shown for the Village President and Village Board to grant an extension.
  - c. During the course of construction, the Village Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The Owner shall pay the actual cost incurred by the Village for such inspection. This fee shall be the actual cost to the Village of inspectors, engineers, and other parties necessary to insure satisfactory work. It is the responsibility of the Owner to ensure that the Village Engineer is fully informed of the construction schedule and is notified prior to any work starting.
- (4) "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the Owner shall make or cause to be made a map showing the actual location of all valves, manholes,

stubs, sewers and water mains, and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the bond assuring their completion. This shall specifically include electronic CADD Files of all project documents including Final Plans, As-Built Plans, Specifications, and Final Plat. CADD files will be provided either in DGN or DXF File Format. Project Documents will be provided in WordPerfect Version 7 or 8. Final CADD drawings will be three dimensional. Roadways and utilities will be drawn at their correct elevation and location. Plan and profile sheets are not required with approval from the Village Engineer.

(d) REQUIRED IMPROVEMENTS: Adopted 10-15-02

(1) The Developer shall install all improvements as shown on the Final Plans and as specified in the approved specifications. All required improvements shall meet Specifications for Sewer and Water Construction in Wisconsin, the latest edition. Other items listed in this specification are exceptions to the Standard specifications and take precedent over it.

a. Concrete and Bituminous Pavement Removal and Disposal and Concrete Sidewalk Removal and Disposal: The bid price for improvements shall include the removal and disposal of concrete pavement, bituminous pavement, sidewalk and driveways. All excavated areas in the roadways shall immediately be patched with cold mix and maintained by the contractor until the permanent surface has been installed.

b. Temporary Water Service: Under no circumstance shall any customer be on "temporary" water service for more than 7 calendar days. Failure to comply with this provision will result in a \$200 per day liquidated damages provision being invoked. The Contractor shall note that customers cannot be removed from temporary service and hooked onto the new water main until a bacteriological safe sample has been obtained. This test takes 24 hours. The Contractor shall adjust his work forces and employ whatever construction practices and methods that are required to insure completion within the above time constraints.

c. Replacement of Street, etc.: Responsibility for street resurfacing, sidewalk and driveway replacement, and lawn restoration may vary from location to location. The responsibility is indicated on each drawing. The cost of resurfacing, replacing, and restoring is not

to be included in the cost of installing the water main; the cost should be included as a separate bid item. New streets shall be asphaltic concrete with open graded base course and compacted base course materials. All curb and gutter shall be barrier type concrete curb and gutter. Streets shall be cross slopes at two (2%) percent from the crown to the front of the curb and gutter.

- d. Videotaping: The contractor is responsible for videotaping all streets, driveways, sidewalks, terraces and curbs before beginning work. Each property shall be identified by voice on the tape. The tape shall be made available to the Village of Pardeeville to resolve disputes.
- e. Sanitary Sewer and Storm Sewer: (Amended 10-21-03) When it is the Village's intention to not replace any existing sanitary sewer main, sanitary sewer laterals, storm sewer main, or catch basin leads, the Contractor must protect these pipes. When working near these existing pipes, the Contractor shall exercise care and use the construction methods necessary to insure these pipes are not damaged. These mains are typically vitrified clay pipe or concrete pipe and the sewer laterals are 4-inch vitrified clay. Typically these pipes have been bedded and backfilled with the excavated clay material. The contractor shall notify DPW of any damage to, removal of or undermining of any sewer main or lateral. The contractor is responsible for all repairs to these facilities. All existing sewer pipes that are located less than twenty four (24) inches vertically or horizontally from any part of the excavation shall be exposed and physically examined to determine if they have been damaged. Exposure shall be done by "pot holing", hand excavation or other methods approved by the Engineer. New installations of sanitary sewer systems will contain concrete manholes and PVC piping. All piping will be a minimum of eight (8") inches in diameter and all manholes will be a minimum of four (4') feet. Sanitary laterals will be PVC with a minimum diameter of four (4") inches. All new streets will have storm sewers including curb inlets and storm water manholes in the paved street. Storm sewer construction shall be all concrete except for frames and grates which will be steel.
- f. Extended Warranty: The normal one (1) year guarantee period shall be extended an additional one (1) year for a total of two years to cover the possible defects or damage to any of the sewer pipes or laterals resulting from the contractor's excavation,



backfilling, compaction or other work.

(2) WATER MAIN MATERIALS, INCLUDING ALL VALVES & HYDRANTS

- a. Ductile iron Pipe: Water main shall be ductile iron and a minimum of eight (8") inches in diameter, unless stated otherwise. Water mains equal to or less than ten (10") inches in diameter are not considered as oversized for purposes of recapture of costs from the Village. The pipe shall be standard cement lined water main pipe meeting the latest edition of AWWA specifications C-151 and shall be ANSI Thickness Class 50 for 12 inch, 14 inch and 16 inch pipe and ANSI Thickness Class 52 for 6 inch, 8 inch and 10 inch pipe. Pipe installed through or under a river or slough shall be Class 56 with ball and socket joints. Pipe based on Failure Pressure Class may be substituted for pipe based on ANSI Thickness Class. However, in no circumstances may the wall thickness of the pipe based on the Failure Pressure Class be less than the wall thickness of the pipe based on the ANSI Thickness Class. The minimum failure pressure to be used is 350 psi. All lengths of water main pipe shall be the "push-on" rubber gasket joint type unless otherwise identified on the drawings. Mechanical joints shall be used on all valves, fittings and where ordered by the Director of Public Works. All joints shall be constructed in accordance with the latest edition of AWWA specifications C-111. All installation and construction methods shall be in accordance with the latest edition of AWWA specification C-600. Gaskets in areas with low levels of petroleum contamination should be "nitro". Gaskets in areas with high levels of petroleum contamination should be "viton". If either of these types of gaskets is needed they will be identified on the drawing. If contaminated soils are not identified on the drawings but are found in the field, a gasket change may be necessary. All ductile iron pipe and fittings shall be wrapped in a polyethylene bag. They shall be taped at three foot intervals and both sides of the joint as outlined in the DIPRA installation guide.
- b. Nuts and Bolts: All mechanical joint fittings shall be supplied and installed with "Core-10" or equal nuts and bolts.
- c. Valve Boxes and Adaptors: The Contractor shall furnish and install all water valve road boxes with a 3 piece riser section - Tyler 6860 DD Valve Box with No. 69 Riser and Lid or approved equal for 6", 8" , 10", 12" and 16" valves. All road boxes shall be backfilled with bedding material or select backfill material,

from the bottom of the valve to within 4" of the finished elevation of the road box. Select backfill shall extend a minimum of 6" beyond the outside diameter of the road box. The road boxes shall be wrapped in polyethylene.

Valve box adaptors shall be installed on all valves. The adaptors shall be those manufactured by Adaptors, Inc.

- d. Fittings: The Contractor shall furnish and install all tees, crosses, bends, sleeves, offsets and all other fittings. The fittings shall conform to the latest edition of AWWA C-153 and be manufactured in the USA. Fittings shall be ductile iron.
- e. Thrust Blocking: The Contractor is responsible for providing all blocking for fittings and hydrants, as needed. Poured concrete is to be used for the blocking. Wood is not to be used for blocking or supporting of water main or fittings. All temporary supports are to be removed before backfilling. Mechanical joint restraint connections such as megalug and EBAA IRON 2000PV may be used. If they are, the contractor is responsible for insuring that a sufficient number of pipe lengths are tied together to provide adequate protection against thrust.
- f. Hydrants: The Contractor shall furnish and install all hydrants. All hydrants shall be 6" mechanical joint Waterous WB67 Pacer hydrants, or Clow Medallion with a 5 1/4" valve opening, 16" break away section, 2 - 2 1/2" nozzles, 1 - 4 1/2" steamer nozzle and a national Standard bronze valve seat that screws into a bronze insert. The hydrant shall be designed such that the distance from finished ground grade to the centerline of the nozzle is 19 3/8". All hydrants shall be designed to allow for a 7 1/2 foot trench depth (7feet of cover over the top of the 6" hydrant lead). All hydrants shall be painted red. All paint materials and workmanship shall be approved by the Director of Public Works. The Contractor shall be responsible for preparing and "touching up" all paint chips and scratch marks. All exterior bolts buried below ground surface shall be hardened "Core-10" or approved equal. The 6" hydrant lead shall be furnished and installed by the Contractor and shall be included in the bid price per hydrant. The hydrant lead shall be ductile iron pipe that is corrosion protected with polyethylene wrap. All hydrant leads shall include a 6-inch resilient seated, wedge valve (as specified in # g below). All leads shall be connected to the main with an anchoring tee.
- g. Valves: For all 4", 6", 8" and 10" valves, the

Contractor shall furnish and install approved, resilient seated, wedge valves conforming to the latest revision of AWWA standard specification C-509, and furnish and install the specified valve road box. The only acceptable valves shall be those manufactured by Mueller, Clow or any equal approved valve meeting the following specifications: all exterior bolts shall be hardened "Core-10" or approved equal. Wedge shall be constructed of ductile iron, fully encapsulated in synthetic rubber except for guide and wedge nut areas. Wedge rubber shall be molded in place and bonded to the ductile iron portion, and shall not be mechanically attached with screws. Rivets, or similar fasteners. Wedge shall seat against seating surfaces arranged symmetrically about the centerline of the operating stem, so that seating is equally effective regardless of direction of pressure unbalance across the wedge. All seating surfaces in body shall be inclined to the vertical at minimum angle of 327 degrees (when stem is in vertical position) to eliminate abrasive wear of rubber sealing surfaces. Stem shall be sealed by at least two O-rings; all stem seals shall be replaceable with valve open and subjected to full rated pressure. Waterway shall be smooth and shall have no depressions or cavities seat area where foreign material can lodge and prevent closure or sealing. Valve body and bonnet shall be ductile iron and coated inside and out with a fusion bonded epoxy, which meets or exceeds the latest edition of AWWA C-550 Standards for Protective Interior Coatings For Valves & hydrants. All 12" and 16" valves shall be offset butterfly valves in conformance with the latest edition of AWWA C-504. The Water Utility shall approve the manufacture and design. The Contractor shall obtain approval prior to supplying these 16" valves. All exterior bolts shall be hardened "Core-10" or approved equal.

- h. Water Services: The Contractor shall furnish all workmanship and material, make the tap and completely install 1" or 1 ½" copper water services to each lot. The Contractor shall be responsible for bidding the cost of installation and all materials as a lump sum bid price for short and for long service laterals.

Material shall be as follows:

Corporation	1"	McDonald	#4701T
	1 ½, 2"	McDonald	#4001-B-ZZ
Curb Stops		McDonald	#6100-22
Curb Boxes		McDonald	#5601-7' with 48"Stainless steel rod
Copper	1", 1 ½", 2"		Type K

The Contractor shall obtain written permission from the Public Works Director if he wishes to substitute for any of the above-specified material with other manufacturer's material. The water service may be installed in the same trench as the sanitary sewer lateral. The Director of Public Works shall approve all workmanship, material, bedding and cover material and backfilling. The service shall be wrapped in polyethylene from the water main, including the corporation stop, to the curb stop. The curb stop shall equal the size of the copper installed from the main to the curb stop not the size of the service from the curb stop to the property.

(1" copper = 1" Curb Stop, 1.5" copper = 1.5" curb stop)

Ductile water main shall never be dry tapped; always wet tapped. After they have been installed, leave the corporation stops or curb stops turned off until a safe sample has been obtained. For curb boxes in the terrace, use the McDonald #5601-7. For curb boxes in concrete or asphalt use the McDonald #5601-7 with cement cap.

- i. Pipe Insulation: The contractor shall have on the job site sufficient quantities of approved 1" and 2" thick 4' x 8' sheets of rigid extruded polystyrene insulation (Dow "blue board" or equal) to insulate water mains and services where required. In general, where water mains have less than 6' of cover 2" of insulation shall be required above the pipe. Where water mains cross over storm sewers, insulation will be placed both below and above the water main as directed. Where directed, the Contractor shall enclose the water main in a "box" of insulation. Workmanship and material shall conform to Chapter 4.7.0 of the latest edition of Wisconsin Standard Sewer and Water Specifications.
- j. High Density Polyethylene Pipe (HDPE): If High Density Polyethylene Pipe is specified, the pipe shall be in conformance with the latest edition of AWWA C906. The pipe shall have a maximum SDR of 11.0 and have a nominal outside diameter equal to the outside diameter of the ductile iron pipe it is replacing. The pipe joints shall be butt fused. HDPE pipe shall never be used in petroleum contaminated soils. If contaminated soils are identified in the field, a change order may be issued to change the pipe type. Fittings shall be made from material meeting the same requirements as the pipe. Polyethylene fittings shall be molded or fabricated by the manufacturer of the pipe. Where applicable, the fittings shall meet the requirements of AWWA C906. Molded fittings shall be manufactured

in accordance with ASTM 3261. The HDPE pipe shall be connected to the adjoining pipe using mechanical joint adapters specifically designed for use with HDPE and the adjoining pipe material. The material used in the production of the pipe and fittings shall be PE3408 High Density Polyethylene meeting ASTM D3350 cell classification of

345434c. The National Sanitation Foundation shall approve the material. The manufacturer shall certify that the materials used meet the requirements of this specification.

- k. Lead Joints: Lead joints or pipe may not be used on water main or services.

(3) WATER MAIN INSTALLATION

- a. Excavated Materials: The Contractor shall be responsible for disposing of excavated material.
- b. Traffic Control and Enforcement: The Contractor shall provide traffic control in the area where he is working and has completed work. There may be other utilities working in the same area. Traffic control must be coordinated with the other utilities. The Contractor shall, upon completion of the work for each day, provide residents access to their driveways. The contractor must also provide access to all intersections at night. The intersections must be properly signed for safety hazards. One lane traffic in each direction shall be maintained at night and over weekends. When working in a block, traffic in both directions can be closed. No more than two blocks can be closed at a time. Because of threat of liability claims and insurance premiums, the Contractor shall note that those sections of the Village of Pardeeville's Standard Specifications pertaining to public safety, barricades, and traffic control, will be strictly enforced. If traffic control and safety are not adequate, the Village may hire someone to provide adequate traffic and safety control and bill the Contractor.
- c. Tie-in Existing Pipe: When new water mains, or relayed mains, are to be connected into existing mains by means of mechanical joint fittings such as solid sleeves, duo sleeves, cutting-in-sleeves, tees and crosses, it shall be the Contractor's responsibility to furnish and have on the job site all required fittings that are compatible with the existing pipe. The Water Utility shall approve all fittings used in all connections. No existing water main shall be put out of service and sawed or snapped until the correct fittings and sleeves are on the job site. It shall be the contractor's responsibility to verify the OD of

existing water mains or have on site sufficient quantity and type of fittings necessary to complete the mechanical joint water main connections as directed. All labor and material costs associated with providing the required fittings shall be the responsibility of the contractor. Whenever a tie in involves service outages to customers, the contractor shall keep working until the customer has their service back on.

- d. Water Main Offsets: When the water main is to be dipped under the storm sewer main and/or the sanitary sewer main, gas main or other obstructions the contractor shall have the option of using rodded offsets, rodded bends, "cracking" water pipe joints, or a combination of the above methods. Water main joints shall not be "cracked" and the pipe shall not be dipped under conflicting utilities in areas where the resulting depth of water main would result in valves being more than 7.5 feet deep or hydrants more than 7.5 feet deep unless designed as such, or written approval is first obtained from the Director of Public Works. Whenever conflicts with other pipes or obstructions are anticipated, the contractor shall plan in advance and excavate at the point of conflict to determine the elevation of the existing pipe or conflict far enough in advance of his pipe laying operation in order to begin "cracking" joints of the water main and thus avoiding the conflict.
- e. Water Main Trench Depth: Water Main shall be installed as shown on drawings. Wherever possible, a minimum cover from the top of pipe to the finished grade of 6 feet shall be maintained. When crossing a river or slough, the water main is to have a minimum cover below the river or slough bottom of 2 feet.
- f. Disinfection: It is of the utmost importance that the Contractor employ whatever construction methods and techniques are necessary to insure that all mains pass the bacteriological test the first time tested. Failure to pass the bacteriological test will result in unnecessary lengths of time in which customers will be connected to temporary water services.
- g. Hydrostatic Testing: The Contractor shall be responsible for hydrostatic testing of all water main and fittings installed. The test shall be performed at 150 psi for a minimum of 2 hours. A leakage test may be performed at a minimum of 100 psi for a minimum of one hour. All test corporations not located in manholes must be removed after successful testing, and replaced with brass corporation stop plugs.
- h. Boring Under Trees: The Contractor shall tunnel, bore

or "rat hole" under large trees to prevent excessive damage to the tree's roots. The length of bore shall vary, but in general, shall extend 2 feet on each side beyond the diameter of the trunk (i.e., a 3 foot diameter tree will require a 7 foot bore).

- i. Protection of Trees: Trees shall be protected as follows:
  2. To prevent excessive root damage, all roots exposed in the trenches shall be carefully "root pruned" as directed.
  3. All trees in the immediate area of construction shall be wrapped with wood snow fence to protect the trunk's bark from damage resulting from accidentally being hit by equipment. Wrapping shall be done as directed.
  4. Where directed, the Contractor shall use a small rubber-tired backhoe to excavate in tight areas next to trees.
  5. The Contractor shall use extreme care and adjust his operation such that damage to limbs is minimized. Under no circumstances shall limbs be haphazardly broken off. All damaged limbs shall be trimmed and pruned by a professional tree nurseryman. All costs associated with this work shall be the responsibility of the Contractor.
  6. It is almost impossible to place a value on some of these trees. The Contractor shall protect them from damage. Damage to these trees will be charged back to the Contractor and it could conceivably be very expensive. The Contractor is advised to exercise extreme care.
  7. Any small bushes in the area of the work may be dug up and transplanted after the water main is backfilled.
- j. Street Light Poles, Railroad Signals, Street Signs and Traffic Signals: These items if existing, will require temporary support while trenching next to them. These poles and standards shall be backfilled with bedding material and firmly compacted to prevent the poles and standards from tipping. Contact the City Public Works Department for location of underground electric wires for the decorative streetlights and wiring for traffic signals. New street lamps will be installed by the Developer. New street signs will conform to existing street signs in appearance and signage.
- k. Sidewalk Installation: Sidewalks are required on both sides of the street. All sidewalk panels will be five

(5') feet wide by five (5') feet long with a thickness of four (4") inches except driveway approaches where a minimum thickness shall be six (6") inches with a compacted base not less than four (4") inches thick.

1. Ductile iron Pipe Installation: All ductile iron water pipe in roadways or under sidewalks or driveways shall be backfilled with 3/4 inch clear stone, which is thoroughly worked and compacted around the pipe haunches, to six (6) inches over the top of the pipe. Granular backfill meeting the approval of the Director of Public Works and the requirement of Section 6.43.4 GRANULAR BACKFILL of the Standard Specifications for Sewer & Water Construction in Wisconsin, shall be used above the 3/4" clear stone level. The initial lift shall be one (1) foot over the top of the pipe prior to mechanical compaction. Each subsequent compacted lift of granular backfill shall be six (6) inches. Under roadways, sidewalks, driveways or aprons, the top twelve (12) inches shall be compacted 3/4 inch crusher run. Compaction shall achieve a uniform consolidation of the fill material and a minimum of 95% Standard Proctor Density. The Contractor shall provide the Engineer:

1. The results of a Standard Proctor Test (ASTM D698, AASHTO T99) Moisture Density Relationship of compacted soils run by a certified laboratory, on each block of construction.
2. A laboratory sieve analysis for each 1000 cubic yards of the granular backfill material, verifying the material meets the specification.

Ductile iron water main installed in future specified grass areas shall be backfilled per above except that excavated material may be used from the 3/4" clear stone to a point 12 inches from final grade. The top twelve (12) inches shall be topsoil. If restoration of the lawn is identified on the drawings, as the responsibility of the contractor, the seed type and spreading density are to be as shown in the Standard Specifications for Sewer and Water Construction in Wisconsin. The Contractor may use sod, if so desired.

- m. Installation of HDPE Pipe: If HDPE is to be used to cross a waterway; weights shall be used to keep the pipe submerged until the final backfill is placed. Bedding, haunching, initial backfill, and the final backfill outside of the waterway limits shall be in accordance with the recommendations of the pipe manufacturer. The final backfill in the waterway limits shall be as described on the drawings.
- n. Abandonment of Water Utility manholes: for manholes



that are to be abandoned, remove the first three feet of the manhole. The manhole must be filled with 3/4 inch crusher stone and backfill compacted to 95% Standard Proctor Density. The stone shall be placed in six-inch lifts to the top of the manhole

- o. Abandonment of Road Boxes: Remove the top section of the road box. Backfill with 3/4 inch crusher stone and compact to 95% Standard Proctor Density.
  - p. Abandonment of Hydrants and Leads: If the hydrant lead is connected to the active water distribution system, disconnect the lead and plug both the active water main and the lead, with mechanical tee plugs. If the lead is connected to the water main that is to be abandoned, see "abandonment of water main" below. In either case, remove the hydrant and plug the lead at the hydrant. Return the hydrant to the Water Utility. Backfill with 3/4 inch crusher stone, and compact to 95% Standard Proctor Density.
  - q. Abandonment of Water Main and Valves: After new water main is installed and services have been transferred to the new water main, abandon the existing water main. Plug the old water main and the existing water main with mechanical plugs. Backfill with 3/4 inch crusher stone, and compact to 95% Standard Proctor Density.
  - r. Abandonment - General: For all abandonment's, use mechanical plugs. Remove all lead fittings in active water main and replace with mechanical fittings or sleeves. Size and style of bulkheads are the responsibility of the contractor. Wood may not be used as a bulkhead material.
  - s. Abandonment of Services: Existing services cannot be abandoned until new services are installed and usable. If the abandoned service is connected to a live water main, shut the corporation stop on the abandoned service, and disconnect at both the curb stop and the corporation stop. If the abandoned service is connected to an abandoned water main, disconnect the service at the curb stop. Backfill with 3/4 inch crusher stone, and compact to 95% Standard Proctor Density.
  - t. Wisconsin Department of Natural Resources: All water main shall be installed in accordance with the requirements of the Wisconsin DNR as described in NR811.61-811.77.
- (e) OTHER UTILITIES. No electrical or telephone service shall be located on overhead poles except where impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be included as part of the Final Plan submission.

- (f) MATERIAL STANDARDS. All improvements constructed under this Chapter shall be of the standards, where applicable, established by the "Wisconsin Standard Specification", WisDot Standard Specifications or as approved by the Village Engineer.
- (g) STORM WATER DRAINAGE FACILITIES. Pursuant to sec. 10-3-9, the Owner shall provide storm water drainage facilities which shall include curb and gutter, catch basins and inlets, and storm sewers, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the one hundred (100) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board.

**SEC. 10-3-13**      **EASEMENTS.**

- (a) UTILITY EASEMENTS. The Village Board, on the recommendation of the Plan Commission and other appropriate agencies of the Village shall require utility easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) DRAINAGE EASEMENTS. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
  - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
  - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
  - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse shall be of a minimum width established at the high water mark, or in the absence of such specification, not less than thirty (30) feet.
- (c) EASEMENT LOCATIONS. Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines.

Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

**SEC. 10-3-14**      **PUBLIC SITES AND OPEN SPACES.**

- (a) PURPOSE. The requirements of this Subsection are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows. It has also been established to insure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.
- (b) DESIGN. In the design of a subdivision, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites as are shown on the Village Master Plan shall be made a part of the design. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and wood land, prairie and wetland plant and animal communities.
- (c) DEDICATION.
  - (1) The Owner shall dedicate adequate developable land for the park, recreation and open space needs of the development, subject to a determination of acceptability by the Plan Commission.
  - (2) The Owner shall dedicate sufficient land area that is suitable and readily developable to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the subdivision, land division, group housing project or planned community development project. A minimum of one thousand, three hundred (1,300) square feet of land in R-1 and R-2 zoning, a minimum of one thousand, one hundred (1,100) square feet of land in R-3 zoning and a minimum of seven hundred (700) square feet of land in R-4 zoning shall be dedicated for each proposed dwelling unit.
- (d) FEE IN LIEU OF DEDICATION.
  - (1) Where, in the discretion of the Planning Commission, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the Village's comprehensive development plan, or the Planning Commission determines that a cash contribution would better serve the public interest, the

Planning Commission shall recommend to the Village Board that the Owner pay a fee in lieu of making the required land dedication.

- (2) The amount of any fee imposed shall be determined as follows: the number of proposed R-1 or R-2 residential dwelling units within the development shall be multiplied by one thousand, three hundred (1,300) square feet; the number of proposed R-3 residential dwelling units within the development shall be multiplied by one thousand, one hundred (1,100) square feet; the number of proposed R-4 residential dwelling units within the development shall be multiplied by seven hundred (700) square feet; then the resulting product shall be divided by forty-three thousand, five hundred sixty (43,560) [square feet in an acre]; and the resulting quotient shall be multiplied by the fair market value of an acre of comparable land use (regulation). The fair market value shall be determined by the Village Assessor.
- (3) All funds so collected by the Village shall be deposited as "Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways" (Park Special Fund), and that said funds so levied and collected shall be used for such purposes at such places and in such manner as shall be approved, ordered and directed by the Village upon recommendation by the Public Works, Parks and Public Property Committee. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and developments for said purposes. (01-21-03)

(e) DEDICATION AND FEE.

- (1) The Planning Commission may recommend the Owner satisfy the requirements by combining land dedication with fee payments. The fee, in such cases, shall be determined by subtracting the fair market value of the dedicated land, from the total fee which would have been imposed had no land been dedicated by the Owner. The fair market value shall be determined by the Village Assessor.
- (2) Payment may be made by one of the following methods:
  - a. Lump Sum. A lump sum minus a discount of the current interest rate of the Park Special Fund on the day the Village Board accepts the final plat or on the day the certified survey is approved for recording by the Village Administrator shall be paid prior to the issuance of any building permit for a development; or
  - b. Payment of one-third (1/3) of all land dedication and fee payments.
    1. The Owner shall pay the Village 33.4% of the total fee by the date the first building permit is issued. At such time that 33.4% of the building permits are issued for the approved development or

after one (1) year from the date that the Village issued the first building permit, whichever occurs first, the Owner shall pay the second installment of 33.3% of the total fee. At such time that 66.7% of the building permits are issued for the approved development or after two (2) years from the date that the Village issued the first building permit, whichever occurs first, the Owner shall pay the final installment of 33.3% of the total fee.

2. If this method of payment is used, the outstanding balance after the first payment is made shall be charged the interest rate earned by the Park Special Fund for the period of time that the second and third installments are outstanding.
- (3) Owners shall be given the options identified above in Subsection (e) (2) except under the following circumstances:
  - a. The development is less than twenty-five (25) units;  
or
  - b. No plat of subdivision or certified survey is involved in the development
- (4) In either event, the Owner will be required to pay the lump sum minus the discount (as defined above) prior to the issuance of any building permits.
- (5) All fees required by Subsection (e) shall be paid within three (3) years from the date of the issuing of the first building permit. Failure to make the proper payments as defined in either option in Subsection (e) (2) shall result in the immediate withholding of all building permits until all delinquent payments are made to the Village. The Village shall not release the developer's Letter of Credit until all fees have been paid.

(f) DEVELOPMENT OF AREA.

- (1) When park land is dedicated, the Owner is required to bring the dedicated land up to the contours established in the approved street and utility plans, top soiled with a minimum of four (4) inches of quality topsoil, seeded as specified by the Director of Public Works, fertilized with 16-6-6 fertilizer at the rate of seven (7) pounds per one thousand (1,000) square feet and mulched as specified in the Standard Specifications for Road and Bridge Construction Section 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that subdivision unless otherwise authorized by the Plan Commission.
- (2) It shall be the duty of the Village to maintain the

dedicated areas and the Owner who dedicated said land shall in no way be responsible for its maintenance or liability thereon except that said Owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such Owner shall reside on one of the subdivided parcels, in which case Owner shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village.

- (g) **ADDITIONAL FEE, ASSESSMENT PER UNIT.** In addition, at the time a building permit is issued for new construction of a single unit or multi-family units, a one-time per dwelling unit fee as set forth in Section 1-1-8 will be assessed for park development. These fees are to be placed in the Park Special Fund for park development. Amended 01-21-03

- (h) **DEFINITIONS.**

- (1) Subdivider. Any person, firm, partnership, corporation, association, estate, or other legal entity using land for residential development. This shall include all residential development whether or not there is an actual subdivision of land. Property which does not require subdivision but will be used\* for residential development shall be included.
- (2) Fair Market Value (Market Value). The highest price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeable and assuming the price is not affected by undue stimulus.
- (3) Land use Regulation. Broadly, any legal restriction, such as zoning ordinances which control the uses to which land may be put. A land use regulation may include such controls as those established by restrictive covenants or by redevelopment or urban renewal plans approved by local governing bodies.
- (4) Phase. A phase ends with the completion of public improvements (as shown in the final plat documents) and a new phase begins with the start of public improvements (as shown in the final plat documents) in the portion of the plat being developed.
- (5) Public Improvements. Installation of streets, electric service, sewer and water, gas lines and telephone lines.

#### **SEC. 10-3-15      VARIATIONS AND EXCEPTIONS.**

- (a) Where the Plan Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Village Board variations or exceptions to the regulations so that substantial

justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter.

- (b) The Plan Commission shall not recommend variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (c) Any recommendations by the Plan Commission shall be so endorsed by the Village Administrator and transmitted to the Village Board. The Village Board, if it approves, shall do so by motion or resolution and instruct the Village Administrator to notify the Plan Commission and the Owner.

**SEC. 10-3-16**      **ENFORCEMENT, PENALTIES AND REMEDIES.**

- (a) VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b)
  - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
  - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.

(3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.

(4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis..Stats.

Adopted this 20th day of October, 1998

**SEC. 10-3-17**

**CONDOMINIUMS**

**Adopted 09-17-02**

(a) PURPOSE

(1) The Village Board finds that certain issues arise in condominium developments that require limited applicability of this chapter. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose requirements upon condominiums that are different from those imposed on other property that is physically identical, but under a different form of ownership.

(2) This section applies to condominium developments, since condominiums involve the creation of multiple, distinct property entities or units at or near the ground surface, subject to property taxation as separate parcels, each of which may have different ownership and management. The village board determines that this makes a condominium development dissimilar, both physically and in ownership from developments in which the land and improvements are under unitary ownership, management and control.

(3) The Village Board finds that condominium developments can place impacts on community resources in the same manner as other new developments, which are characterized by the division of land into lots. These impacts include:

- a. Additional population density.
- b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
- c. Additional demands upon the Village's parks, recreation areas, utilities and schools.
- d. Additional traffic and street use.

(b) APPLICABILITY OF CHAPTER TO CONDO

(1) General Rule. Pursuant to Section 703.27(1), Wis. Stats., the sections of this chapter listed in subsection (3) below are made expressly applicable to condominium developments within the Village's jurisdiction.

(2) Certain Condominiums Excluded from General Rule. The provisions of this ordinance shall not apply to:



- a. A single principal building located on a single lot or parcel which is in compliance with the current zoning and land use ordinances and which is subsequently transformed into a condominium, without resulting in a land division.
  - b. A condominium consisting of a single principal building, which is constructed after adoption of this ordinance, is situated on a single lot or parcel, and which does not involve a division of land.
- (3) Specific sections of this chapter which apply to condominiums
- a. Sec. 10-3-1 Introduction & Purpose
  - b. Sec. 10-3-2 Definitions
  - c. Sec. 10-3-3 General Provisions
  - d. Sec. 10-3-4(a) Certified Survey Map Procedure
  - e. Sec. 10-3-5 Design Standards - Streets
  - f. Sec. 10-3-6 Design Standards - Block Design
  - g. Sec. 10-3-7 Design Standards - Lots
  - h. Sec. 10-3-8 Flood Protection
  - i. Sec. 10-3-9 Drainage System
  - j. Sec. 10-3-10 Extra-Size of Off-Site Improvements
  - k. Sec. 10-3-12 Requirements and Design Standards for Public Improvements
  - l. Sec. 10-3-13 Easements
  - m. Sec. 10-3-14 Public Sites and Open Spaces
  - n. Sec. 10-3-15 Variations and Exceptions
  - o. Sec. 10-3-16 Enforcement, Penalties and Remedies

(c) ADDITIONAL REQUIREMENTS APPLICABLE TO CONDOMINIUM DEVELOPMENTS

Proposed condominium developments shall include the following provisions in addition to those otherwise required by law or ordinance:

- (1) Declarations for condominium developments consisting of an even number of unit members must include a mandatory third-party arbitration provision for conflict resolution.
- (2) Condominium Declarations shall include a voluntary termination provision that requires Village Board consent prior to termination.
- (3) All condominium developments shall include a provision for the establishment of a mandatory escrow account with sufficient funding for purposes of maintenance, repair and/or replacement of common elements.
- (4) All condominium developments shall establish a Declaration of Easements, Restrictions, Covenants and Conditions for

operation and maintenance of said units, which shall be submitted to the Plan Commission for its consideration. The Declaration must be approved by the Plan Commission before the condominium development is considered approved. After approval, the developer shall record the Declaration with the County Register of Deeds.

- (5) The owner shall be in control of all property above and below the condominium units.
- (6) All condominium owned sewer and water mains shall be installed no closer than ten feet (10') from any building.
- (7) To insure proper fire protection, the Village of Pardeeville will perform mandatory inspections and/or flushing of condominium owned hydrants for a fee of \$25.00 per hydrant.

(d) MISCELLANEOUS PROVISIONS

- (1) for purposes of this chapter, a condominium unit and any associated limited or general common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (2) In addition to complying with other requirements hereunder, a Condominium Plat shall follow the procedure and requirements of the certified survey map procedures set forth in Section 10-3-4(a).

## CHAPTER 4

### Building Code

- § 10-4-1 Building Code Established
- § 10-4-2 Building Permits and Inspection
- § 10-4-3 State Uniform Dwelling Code Adopted
- § 10-4-4 Severability
- § 10-4-5 Construction Standards; Codes Adopted
- § 10-4-6 New Methods and Materials
- § 10-4-7 Unsafe Buildings
- § 10-4-8 Electrical Code
- § 10-4-9 Plumbing Code
- § 10-4-10 Flammable Liquids and Flammable Gases
- § 10-4-11 Disclaimer on Inspections
- § 10-4-12 Garages
- § 10-4-13 Earth Sheltered Homes
- § 10-4-14 Installation and Operation of Room Heaters, Stoves,  
and Freestanding Fireplaces
- § 10-4-15 Basements
- § 10-4-16 Discharge of Clear Waters
- § 10-4-17 Duplex Service Connections
- § 10-4-18 Fees
- § 10-4-19 Uniform Numbering System
- § 10-4-20 Penalties and Violations

#### SEC. 10-4-1 BUILDING CODE ESTABLISHED.

- (a) TITLE. This Chapter shall be known as the "Building Code of the Village of Pardeeville" and will be referred to in this Chapter as "this Code" or "this Chapter."
- (b) PURPOSE. This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.
- (c) GENERAL PERMIT REQUIRED. No building, plumbing or electrical work, building moving or razing shall be performed in the Village of Pardeeville unless a permit therefor is obtained as required in the provisions of this Chapter.
- (d) PAYMENT OF FEES. All fees shall be paid to the Clerk-Treasurer as agent for the Village Building Inspector, and no permit shall be issued until fees as prescribed by this Chapter have been paid.
- (e) PERMIT LAPSES. A building, electrical or plumbing permit shall

lapse and be void unless operations under the permit are commenced within six (6) months from the date of issuance thereof. Permit shall also lapse if work is discontinued for a period of six (6) months or more and a new permit will have to be obtained before work can be started again.

- (f) REVOCATION. If the Building Inspector shall find at any time that the above mentioned ordinances, laws, orders, plan and specifications are not being complied with, and that the holder of the permit refuses to conform after written warning or instruction has been issued to him, he shall revoke the building, electrical or plumbing permit by written notice posted at the site of the work. When any such permit is revoked, it shall be unlawful to do any further work there under until the permit is reissued, excepting such work as the Building Inspector may order to be done as a condition precedent to the issuance of the permit, or as he may require for the preservation of human life and safety or property.
- (g) REPORT OF VIOLATIONS. It shall be the duty of all police officers as well as other Village officials to report at once to the Building Inspector any building, electrical or plumbing work or sign erection which is being carried on without a permit as required by this Chapter.
- (h) RECORDS. The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report therein to the Village Board.
- (i) SURVEY. The Building Inspector may require the builder to survey the lot being built on if corner markers are not in and lot lines cannot be accurately established without a survey. Certified surveys are required in the case of a land split.

SEC. 10-4-2            BUILDING PERMITS AND INSPECTION.

- (a) PERMIT REQUIRED. No building of any part thereof shall hereafter be erected within the Village of Pardeeville or ground broken for the same, except as hereinafter provided, until a permit therefor shall first have been obtained from the Building Inspector by the owner, or his authorized agent. The term "building" as used in this Section shall include any building or structure, and any enlargement, alteration, heating or ventilating installation, sign, building moving, building razing, or anything affecting the fire hazards or safety of any building or structure.
- (b) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, and such other information as the Building Inspector may require.

- (c) DEDICATED STREET REQUIRED. No building permit for a residential structure shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.
- (d) UTILITIES REQUIRED.
  - (1) Residential Buildings. No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) Non-Residential Building. No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
- (e) PLANS. With such application there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location of the proposed building with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one- and two-family dwellings shall comply with the provisions of Chap. Ind. 20.09(4), Wis. Adm. Code.
- (f) WAIVER OF PLANS. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand (\$2,000.00) Dollars.
- (g) ISSUANCE OF PERMIT. If the City Building Inspector finds that the proposed building or repair or addition complies with all City zoning ordinances and setback requirements, 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 City Clerk-Treasurer. The building permit issued by the City does not provide for any inspections by a certified inspector under the One- and Two-Family Building Dwelling Code.
- (h) MINOR REPAIRS. The Building Inspector may authorize minor repairs or alterations valued at less than One Thousand Two Hundred (\$1,200.00) Dollars, which do not change the occupancy, area structural strength, fire protection, exits, light or ventilation of the building without issuing a building permit.

- (a) STATE CODE ADOPTED. The administrative code provisions describing and defining regulations with respect to one- and two-family dwellings in Chapters Ind 20-25 of the Wisconsin Administrative Code 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 Chapter to secure uniform statewide regulation of one- and two-family dwellings in the Village of Pardeeville. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's Office.
- (b) DEFINITIONS.
- (1) Addition. "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
  - (2) Alteration. "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
  - (3) Department. "Department" means the Department of Industry, Labor and Human Relations.
  - (4) Dwelling. "Dwelling" means:
    - a. any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units, or
    - b. an existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.
  - (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one- or two-family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection, or exterior aesthetic appearance, 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.
  - (6) One- or Two-Family Dwelling. "A one- or two-family dwelling" means a building structure which contains one or separate households intended to be used as a home, residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
  - (7) Person. "Person" means an individual, partnership, firm or corporation.

- (8) Uniform Dwelling Code. "Uniform Dwelling Code" means those administrative code provisions, and any future amendments, revisions or modifications thereto, contained in following chapters of the Wisconsin Administrative Code:

Building Code

Wis. Adm. Code Chapter Ind 20 - Administration and Enforcement

Wis. Adm. Code Chapter Ind 21 - Construction Standards

Wis. Adm. Code Chapter Ind 22 - Energy Conservation Standards

Wis. Adm. Code Chapter Ind 23 - Heating, Ventilating and Air Conditioning Standards

Wis. Adm. Code Chapter Ind 24 - Electrical Standards

Wis. Adm. Code Chapter Ind 25 - Plumbing and Potable Water Standards

(c) METHOD OF ENFORCEMENT.

- (1) Certified Inspector Not Provided. The Village of Pardeeville shall contract with or provide a building inspector certified by the Department of Industry, Labor and Human Relations for the purpose of enforcing the provisions of the Uniform Dwelling Code.
- (2) Inspection 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/her agent while in performance of his/her duties.

SEC. 10-4-4      SEVERABILITY.

If any section, clause, provision or portion of this Chapter or of chapters Ind 20, 21, 22, 23, 24 and 25, Wis. Adm. Code, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 10-4-5      CONSTRUCTION STANDARDS; CODES ADOPTED.

- (a) PORTIONS OF STATE BUILDING CODE ADOPTED. Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this section with respect to those classes of buildings to which this Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the

Building Inspector. Sections Ind 52.10 through 52.19 (Fire Protection) of said Code are hereby adopted and made a part of this Section with respect to all dwellings hereafter erected within the Village of Pardeeville.

- (b) FHA STANDARDS ADOPTED. The following Chapters of the Federal Housing Administration "Minimum Property Standards, One- and Two-Family Dwellings," Form 4900.1, Revised 1973, as revised by MPR revisions thereto, are hereby adopted by reference as part of this Chapter with respect to all dwellings or parts thereof hereinafter constructed in the Village of Pardeeville: Chapter 4 (Building Design); Chapter 5 (Materials); Chapter 6 (Construction) except Division 6 15-5 (Plumbing) and Division 616 (Electrical); and the Appendix as applicable to the above chapters.
- (c) CONFLICTS. If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards adopted in Subsection (b) in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.
- (d) DWELLINGS. The term "dwelling" as used in this Section includes every building occupied exclusively as a residence by not more than two families.

SEC. 10-4-6      NEW METHODS AND MATERIALS.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this section and not specifically mentioned in or permitted by this section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code issued by the State Board of Health.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.



SEC. 10-4-7      UNSAFE BUILDINGS.

Whenever the Building Inspector and/or Village Board find any building or part thereof within the Village to be in their judgment so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use, and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.05(5), Wis. Stats.

SEC. 10-4-8      ELECTRICAL CODE.

- (a) STATE CODE APPLIES. All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code, adopted by the Department of Industry, Labor and Human Relations December 1, 1975 and amendments and revisions adopted to date, which is hereby made by reference a part of this ordinance except that the following shall apply:
  - (1) Grounding. The primary ground for the main service entrance shall be the municipal water system and there shall be a secondary grounding of two electrodes as provided in the Wisconsin Code. Also a bonding jumper around the water meter must be installed unless grounding conductor is attached to the water piping system on the street side of the meter.
- (b) PERMIT. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Village Building Inspector, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector.
- (c) INSPECTION OF WORK. After roughing in the wiring of any building and before any such work is covered up, or upon completion of any outside wiring construction work, it shall be the duty of the person doing such work to notify the Building Inspector, who shall at once inspect or cause to be inspected the same. If he finds that the work conforms to the State Electrical Code, he shall issue a certificate of compliance, which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. It shall be unlawful to use any such electrical equipment until such certificate has been issued.

- (a) STATE CODE APPLIES. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to the Wis. Adm. Code, Chapters H61, H62 and H63 (State Plumbing Code) adopted by the State Board of Health, which is hereby adopted by reference as a part of this Chapter.
- (b) PERMIT. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made without first securing a permit therefor from the Building Inspector. The application for such permit shall be on a form furnished by the Building Inspector and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector.
- (c) LICENSED PLUMBER REQUIRED. All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home provided that a permit is issued and the work is done in compliance with the provisions of this Chapter.
- (d) INSPECTION OF WORK. Upon completion of the plumbing work on any premises, the person doing such work shall notify the Building Inspector before such work is covered up, and the Building Inspector shall at once inspect or cause to be inspected the work. If he finds that the work conforms to the State Plumbing Code, he shall issue a certificate of compliance, which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed by location in the office of the Building Inspector. No person shall use or permit to be used any plumbing or drainage until it has been inspected and approved by the Building Inspector.

- (a) FLAMMABLE LIQUIDS CODE. The Wis. Adm. Code, Chapter Ind 8, Department of Industry, Labor and Human Relations (Flammable Liquids Code), is hereby adopted by reference as a part of this Chapter, and it shall be the duty of the Building Inspector to enforce the provisions thereof.
- (b) STORAGE OF FLAMMABLE LIQUIDS. No flammable liquids, except as used for heating purposes, shall be kept in the Residential District in a container larger than ten (10) gallons.
- (c) NATIONAL FUEL GAS CODE APPLIES.
  - (1) The American National Standard Fuel Gas Code ANSI Z223.1 (1980), also referred to as National Fire Protection Association Pamphlet NFPA No. 54 (1980) together with any changes thereto which from time to time may be published,

- is hereby adopted by reference as part of this Chapter.
- (2) Installation, operation, and maintenance of all gas piping, and gas utilization equipment and accessories for use with fuel gases such as natural gas, manufactured gas, liquefied petroleum gas in the vapor phase, liquefied petroleum gas-air mixtures or mixtures of these gases shall be installed and maintained in accordance with this National Fuel Gas Code for both non-industrial and industrial premises.

SEC. 10-4-11      DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, a disclaimer shall be included in each inspection report as follows: "The findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied.

SEC. 10-4-12      GARAGES.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code. Whenever a garage is constructed as part of any building, the ceiling and the walls or wall separating the garage from other portions of the building shall be of not less than forty-five (45) minute fire-resistive construction as specified in Wis. Adm. Code Ind. Ch. 5 1.

SEC. 10-4-13      EARTH SHELTERED HOMES.

- (a) DEFINITIONS. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) Atrium: A space open to the sky at the top of the space, but surrounded by rooms on all sides.
  - (2) Basement: An unfinished area, entirely or substantially below the level of the ground, not designed or intended to be occupied or used except for storage and for utilities.
  - (3) Courtyard: An atrium or a space open to the sky and surrounded by rooms on approximately three (3) sides.
  - (4) Earth sheltered house: Any residential building having any part of the total outside wall and roof area touching or

under earth, clay or sod. Basement areas, cellars, porches and crawl spaces shall not be included in determining the percentage of outside walls touching or under earth, clay or sod.

- (5) Swale: A low channel covered by grass and designed to direct the movement of surface water caused by rainfall
- (6) Earth sheltered housing permitted: Earth sheltered housing is permitted in the Village, in accordance with the regulations set out in this Section. No person, firm or corporation shall construct any earth sheltered housing without complying with the terms of this Section.
- (7) Village: Village of Pardeeville.
- (c) VENTILATION. Each room intended for habitation shall have ventilation, either by a window to an atrium, courtyard or other outdoor area, or by forced air ventilation capable of providing outside air and capable of moving a volume of air equal to the volume of the room every five (5) minutes.
- (d) MATERIALS FOR WALLS AND ROOF. No outside wall or roof shall be placed under any earth or sod unless such wall is constructed of materials provided in this Section:
  - (1) Walls and roofs shall be of concrete or other masonry construction.
  - (2) The outside surface of such wall and roof shall be coated with waterproofing material such as pitch.
  - (3) Drain tile shall be placed along the bottom of all outside walls, with an outlet, adequate to remove underground water from the ground next to the outside walls.
  - (4) The lot shall be graded to move surface water away from the walls. Where necessary, a swale shall be provided to keep surface water away.
- (e) DRAINAGE. The provisions of this Subsection apply to each habitable room, atrium, courtyard, basement or cellar that will be below the level of the adjacent ground when construction and grading is completed. Adequate drainage shall be provided. Where feasible, such drainage shall be by gravity. Where gravity drainage is not feasible, a sump pump shall be provided. If an electric sump pump is provided, a backup system shall be provided to make sure water can be removed when there is a power outage. Such system may be a gasoline generator capable of powering the sump pump or a gasoline powered pump.
- (f) INSULATION. No insulation shall be required for parts of outside walls below the frost line. Outside walls above the frost line and walls above the ground surface shall be insulated as required by the Village ordinances relating to insulation of outside walls of houses. All insulation installed below the level of the ground will be installed in such a way as to prevent damage by moisture. Insulating materials to be placed on the outside of a wall shall be of material that will not be damaged by water.
- (g) OTHER BUILDING CODE REQUIREMENTS. Except as specifically set out herein, each earth sheltered house shall be constructed in

accordance with all of the terms of all applicable ordinances of the Village relating to building, plumbing, electricity, and all applicable ordinances, including the One- and Two-Family Dwelling Building Code.

SEC. 10-4-14      INSTALLATION AND OPERATION OF ROOM HEATERS, STOVES,  
AND FREESTANDING FIREPLACES. Amended 01-21-03

- (a) APPLICATION. This Section shall apply to radiant heating units installed in the Village of Pardeeville. No person shall install a radiant heating unit which fails to comply with the requirement of this Section.
- (b) DEFINITIONS. Radiant heating unit is a room heater, or stove, or freestanding fireplace not intended for duct connections used to heat a room or rooms that use the combustion of a solid fuel such as wood or coal as a source of heat.
- (c) PERMIT. No person shall install or cause to be installed a radiant heating unit without first obtaining a permit from the Building Inspector. The Building Inspector shall give each permit applicant the following information:
  - (1) The wood burned should be dry wood, preferably dry hardwood.
  - (2) The chimney flue should be checked periodically to be sure the flue is open.
  - (3) The chimney flue should be cleaned at least once a year.
- (d) PERMIT FEE. A fee of as set forth in Section 1-1-8 shall be paid by the applicant for each unit installed.
- (e) PLAN AND DATA APPROVAL. Plans and data for each radiant heating unit installation shall be submitted to the Building Inspector for approval before a permit may be issued. The following data is required to be submitted with each application:
  - (1) The manufacturer's installation and maintenance/operations instructions.
  - (2) Purposed chimney flue and/or new chimney flue sizes.
  - (3) The number and sizes of existing vent connectors to the chimney flue.
- (f) INSPECTION. No person shall operate or permit the operation of a radiant heating unit without first calling for an inspection and receiving final approval from the Building Inspector.
- (g) INSTALLATION CLEARANCES. The clearance from combustibles for heating units shall be:
  - (1) From front of unit forty-eight (48") inches.
  - (2) From top-front and sides of unit thirty-six (36") inches.
  - (3) Chimney for vent connector eighteen (18") inches.
- (h) MOUNTING OF UNIT.
  - (1) On incombustible floors the unit shall be mounted on a firm level base of concrete brick or other incombustible material
  - (2) On combustible floors the unit shall be mounted on a four (4") inch thick concrete block base with circular or rectangular holes or equivalent incombustible material so

arranged that the holes will parallel the smaller dimension and be covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit.

- (3) With legs on combustible floors. Units which have eighteen (18") inches or more of open space under units may be mounted on combustible floors provided that the floor under the unit is protected with not less than one-fourth (1/4") inch of asbestos millboard and covered with metal of not less than No. 24 U.S. gauge. The above specified floor protection shall extend not less than eighteen (18") inches around the perimeter of the unit. If there is less than eighteen (18") inches of open space under the base of the unit, the unit shall be mounted on two (2") inches of concrete block, brick or other incombustible material and equally covered with sheet metal of not less than No. 24 U.S. gauge. The above specified floor protection shall not extend less than eighteen (18") inches around the perimeter of the unit.
- (i) SIZE AND TYPE OF CHIMNEY. An approved chimney shall be used for solid fuel-burning equipment. All residential buildings shall be required to have a Class "A" chimney, except as provided in Wis. Adm. Code Ind. 23.04 and 23.11. The chimney shall be sized so that the cross-sectional area of the chimney is not smaller than the cross-sectional area of the flue collar of the equipment to be connected to it. Other equipment shall not be connected to the flue serving the solid fuel-burning equipment. Masonry chimneys constructed according to the requirements of Chapter 8 13 of the Federal Housing Administration Minimum Property Standards FHA. No. 30 and factory-built chimneys bearing a listing by a nationally recognized testing laboratory such as Underwriters will be considered as approved.
- (j) THE CHIMNEY CONNECTOR. The chimney connector shall conform to Chapter 813 of the Federal Housing Administration Minimum Standards.
- (k) DAMPER. The Chimney connector shall have a cast iron damper to control the draft.
- (l) COMBUSTION AIR. If the Inspector, after examination of the unit, deems it necessary to add combustion air, the size of the opening shall not be less than the cross-sectional area of the blue collar size of the unit.
- (m) BLOWER. A blower where used should have adequate protection such as a screen to prevent material from being inserted into the assembly.
- (n) ELECTRICAL CONNECTIONS. The electrical connections, controls, and wiring where used should conform to Village electric codes.
- (o) THERMOSTAT CONTROL. The Thermostat Controls, where used, shall activate the blower motor at a temperature of one hundred (1000) degrees F. to one hundred twenty (1200) degrees F.

SEC. 10-4-15      BASEMENTS.

First floor sub-flooring shall be completed within sixty (60) days after the basement is excavated.

SEC. 10-4-16      DISCHARGE OF CLEAR WATERS.

- (a) DISCHARGE. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump, or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) NUISANCE. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of property.
- (c) GROUNDWATER. Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well, or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) STORM WATER. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) STORM SEWER LATERAL. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) CONDUCTING TESTS. If the Building Inspector or his designated agent suspects an illegal clear water discharge, as defined by this Code or by any other applicable provision of the Wisconsin

Administrative Code as it may from time to time be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

- (g) COMPLIANCE AND PENALTY. Any person determined to be in violation of any provision of this Section shall be given a written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. Any person who shall continue any violation beyond the foregoing time limits shall, upon conviction thereof, be subject to the penalties of Sec. 1-1-6 of this Code of Ordinances.

SEC. 10-4-17      DUPLEX SERVICE CONNECTIONS.

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

SEC. 10-4-18      FEES. Amended 01-21-03

- (a) BUILDING PERMITS: are set forth in Section 1-1-8
- (b) ELECTRICAL PERMITS: are set forth in Section 1-1-8
- (c) HVAC PERMITS: are set forth in Section 1-1-8
- (d) PLUMBING PERMITS: are set forth in Section 1-1-8
- (e) OTHER: are set forth in Section 1-1-8
- (f) DOUBLE FEES: In the event work is commenced prior to a permit being obtained, all fees shall double.

SEC. 10-4-19      UNIFORM NUMBERING SYSTEM

- (a) UNIFORM NUMBERING SYSTEM. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title Street Address Map, which is filed in the office of the Clerk, is hereby adopted for use in the Village of Pardeeville, Columbia County, Wisconsin. This map and all explanatory matter thereon, is hereby adopted and made a part of this Section.
- (b) ASSIGNMENT OF NUMBERS.
  - (1) All properties or parcels of land within the boundaries of the Village of Pardeeville, Columbia County, Wisconsin, shall hereafter be identified by reference to the uniform numbering system adopted herein, provided : all existing Section shall be changed to conform to the system herein adopted within sixty (60) days from the date of passage of this Section.
  - (2) All properties on the east side of north-south streets and properties on the north side of east-west streets shall be



assigned even numbers. All properties on the west side of north-south streets and all properties on the south side of east-west streets shall be assigned odd numbers.

- (3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.
- (4) Numerals indicating the official numbers for each principal building, or each front entrance to such building, shall be posted in a manner as to be visible from the street on which the property is located.
  - a. Numerals shall be of a contrasting color.
  - b. Numerals shall not be less than 2-1/2 inches in height.

(c) ADMINISTRATION.

- (1) The Village Clerk/Treasurer, or an outside firm contracted by the Village, shall be responsible for maintaining the numbering system.
- (2) The Village Clerk/Treasurer shall keep a record of all numbers assigned under this ordinance.
- (3) The Village Clerk/Treasurer shall issue to any property owner in the Village of Pardeeville, upon request, a number for each principal building or separate front entrance to such building. In so doing, he shall issue only numerals for the number assigned to such building under the provisions of this Section; provided, however, that the Clerk-Treasurer may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, or vandalism has taken place.

(d) PENALTIES. Violation of this Section shall be punished by a fine of Fifteen (\$15.00) Dollars. If such violation is continued beyond fifteen (15) days, or if such fine is not paid within the 15-day period, the fine shall increase to Forty-nine (\$49.00) Dollars.

(e) EFFECTIVE DATE. This Section shall take effect sixty (60) days after public hearing, adoption (March 3, 1992), and publication, as required by law.

SEC. 10-4-20      PENALTIES AND VIOLATIONS.

Any building or structure hereafter erected, enlarged, altered or repaired, or any use hereafter established, in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use, or to cause

such building, structure or use to be removed and may also be subject to a penalty as provided in Section 1-1-6 of this Code. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

## CHAPTER 5

### Fair Housing

- § 10-5-1 Statement on Fair Housing
- § 10-5-2 Definitions: As Used in This Chapter
- § 10-5-3 Discrimination Prohibited
- § 10-5-4 Enforcement

#### SEC. 10-5-1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the Village of Pardeeville to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, sex, sexual preference, handicap, marital status of person maintaining a household, lawful source of income, place of birth or age and, to that end, to prohibit discrimination in housing by any persons.

#### SEC. 10-5-2 DEFINITIONS/AS USED IN THIS CHAPTER.

- (a) "DWELLING" shall mean any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) "PERSON" includes a single individual.
- (c) "FAMILY" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (d) "TO RENT" includes to lease, sublease, to let and otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- (e) "DISCRIMINATORY HOUSING PRACTICE" means?
  - (1) To refuse to sell or rent after making a bona fide offer, or to refuse to negotiate for the sale or rental of, or make unavailable or deny a dwelling to any person because of race, color, religion, sex, sexual preference, or national origin.
  - (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, sexual preference, or national origin.

(3) To make, print, or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual preference, or national origin.

(4) To represent to any person because of race, color, religion, sex, sexual preference, or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is, in fact, so available.

(5) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or terms or conditions of such loan or other financial assistance because of race, color, religion, sex, sexual preference, or national origin of such person or persons.

(6) To deny any person access to our membership or participation in any multiple-listing service, real estate broker's organization or other service organization, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, color, religion, sex, sexual preference or national origin.

(7) To induce directly or indirectly or attempt to induce directly or indirectly the sale, purchase, rental or lease for the listing for any of the above, of any housing accommodation by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, sexual preference, religion, or national origin.

(8) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted in or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter.

SEC. 10-5-3      DISCRIMINATION PROHIBITED.

It is unlawful to discriminate in the sale or rental of housing or to commit any discriminatory housing practice except that this Chapter shall not apply to any of the following:

- (a) Any single family house sold or rented by an owner; provided that in case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale, the exemption granted by this subsection shall apply only with respect to one such sale within a twenty-four (24) month period; provided further, that the sale of rental of any such single family house shall be excepted from the applications of this Chapter only if such house is sold or rented, without the use of any real estate broker, agent, or salesman and without the publication, posting or mailing of any advertisement in violation of Section 10-5-2(e) (3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies to perfect or transfer title.
- (b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independent of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (c) To a religious organization, association, or society or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, sexual preference or national origin.
- (d) Nor shall anything in this Chapter prohibit a private club, not open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members.

SEC. 10-5-4      ENFORCEMENT.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the chairperson of the Plan Commission thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The chairperson of the Commission shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this ordinance shall cause the chairperson of the Commission to forward the complaint and findings to appropriate state and federal agencies.

## CHAPTER 6

### Grievances Regarding Access to Public Buildings By Handicapped Persons

#### § 10-6-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons

#### SEC. 10-6-1            GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

- (a) STATEMENT OF PURPOSE. The Village is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any acting prohibited by the Office of Revenue Sharing's (ORS) regulations (31 C.F.R. 51.55[d] [2) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Section 504 states, in part, that "no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."
- (b) COMPLAINT PROCEDURE.
- (1) Complaints should be filed with the Village Clerk-Treasurer, who has been designated to coordinate Section 504 Compliance.
  - (2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
  - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
  - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Clerk-Treasurer who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.
  - (5) A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.
  - (6) The Section 504 coordinator shall maintain the files and

records of the Village relating to the complaints filed.

(c) APPEALS.

- (1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Clerk-Treasurer.
- (2) The grievance shall be heard by the Plan Commission within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Plan Commission. The Clerk- Treasurer shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.
- (3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may and, upon request of the applicant, shall be recorded.
- (4) The decision of the Plan Commission on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Plan Commission shall be rendered within three (3) working days of the close of the hearing and the Plan Commission shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Clerk-Treasurer.

(d) OTHER REMEDIES. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

(e) DUE PROCESS. This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504 and the 011.5 regulations.

## CHAPTER 7

### Mobile Homes

#### Article A Administration and Compliance

- § 10-7-1 Short Title
- § 10-7-2 Findings and Policy
- § 10-7-3 Definitions
- § 10-7-4 Permits
- § 10-7-5 Licenses
- § 10-7-6 Inspection
- § 10-7-7 Notices, Hearings and Orders
- § 10-7-8 Exemptions or Variances
- § 10-7-9 Penalties; Severability
- § 10-7-10 Location Outside Mobile Home Developments

#### Article B Development Standards

- § 10-7-11 General Requirements
- § 10-7-12 Objectives
- § 10-7-13 Density
- § 10-7-14 Recreation Area; Public Land Dedication
- § 10-7-15 Required Setbacks, Buffer Strips, and Screening
- § 10-7-16 Improvements
- § 10-7-17 Street Arrangement
- § 10-7-18 Limited Access Highway and Railroad Right-of-Way Treatment
- § 10-7-19 Street Design Standards
- § 10-7-20 Lot Size and Dimension
- § 10-7-21 Utility Easements
- § 10-7-22 Required Improvements
- § 10-7-23 Fire Extinguishers Required
- § 10-7-24 Compliance With Plumbing, Electrical and Building Codes
- § 10-7-25 Service Building and Other Community Facilities

#### Article C Community Maintenance Regulations

- § 10-7-26 Responsibilities of Management
- § 10-7-27 Responsibilities of the Resident
- § 10-7-28 Accessory Structures
- § 10-7-29 Mobile Home Placement and Anchorage
- § 10-7-30 Solid Waste Handling
- § 10-7-31 Insect and Rodent Control



## **ARTICLE A**

### **Administration and Compliance**

#### SEC. 10-7-1      SHORT TITLE.

This Chapter shall be known and may be cited as the Village of Pardeeville, Columbia County, Wisconsin, "Mobile Home Community Code."

#### SEC. 10-7-2      FINDINGS AND POLICY.

- (a) The Village Board hereafter referred to as Governing Body of the Village of Pardeeville, Columbia County, Wisconsin, hereinafter referred to as the Village finds that properly planned and operated Mobile Home Communities:
  - (1) Promote the safety and health of the residents of such communities and of other nearby communities;
  - (2) Encourage economical and orderly development of such communities and other nearby communities;
- (b) It is, therefore, declared to be the policy of this Village to eliminate and prevent health and safety hazards and to promote the economical and orderly development and utilization of land by providing for the standards and regulations necessary to accomplish these purposes.

#### SEC. 10-7-3      DEFINITIONS.

- (1) Accessory Structure: Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.
- (2) Building: A roofed structure erected for permanent use.
- (3) Common Area: Any area or space designed for joint use of tenants occupying mobile home developments.
- (4) Common Management: The person who owns or has charge, care or control of the mobile home development.
- (5) Community System: (Water or Sewerage) A central system which serves all living units and is not publicly owned.
- (6) Density: The number of mobile homes or mobile home stands per gross acre.
- (7) Driveway: A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots

of common facilities.

- (8) Dwelling: Same as living unit.
- (9) Easement: A vested or acquired right to use land, other than as a tenant, for specific purposes; such right being held by someone other than the owner who holds title to the land.
- (10) Enforcing Agency: The Village Board or other authorized representative of the Village charged with the duty to enforce the provisions of this regulation.
- (11) Housing: Living units, dwellings and/or other structures that shelter or cover.
- (12) License: A written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this regulation.
- (13) Living Unit: A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (14) Lot Area: The total area reserved for exclusive use of the occupants of a mobile home.
- (15) Lot Line: A line bounding the Lot as shown on the accepted plot plan.
- (16) Mobile Home: A mobile home as defined by Section 66.058, Wis. Stats.
- (17) Mobile Home Community: A mobile home development and related utilities and facilities, including the mobile home and all of the people living within the development.
- (18) Mobile Home Development: A contiguous parcel of land which has been planned and improved for the placement of mobile homes. Developments or portions of developments intended for the sale of individual lots or parcels for the placement of mobile homes shall not be included within the definition of a mobile home development, with the exception of section 10, and shall not be subject to the provisions of this Chapter, but shall conform to other applicable land use control measures of the Village.
- (19) Mobile Home Lot: A parcel of land for the placement of a mobile home and the exclusive use of its occupants.
- (20) Mobile Home Stand: That part of an individual mobile home lot which has been reserved for the placement of a mobile home.
- (21) Occupied Area: That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.
- (22) Permit: A written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development. Permanent Building: A building, except a mobile home accessory structure.
- (23) Person: Any individual, firm, trust, partnership, public or private association or corporation.
- (24) Plat: Any map, plan or chart of a city, village, town, section or subdivision, indicating the location and boundaries of individual properties.
- (25) Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or

metes and bounds.

- (26) Power Supply Assembly: The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plugs, caps and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.
- (27) Private Street: A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.
- (28) Property: A plot with any buildings or other improvements located thereon.
- (30) Property Line: A recorded boundary of a plot.
- (31) Public Street: A public way which affords principal means of access to abutting properties.
- (32) Public System: (Water or Sewerage) A system which is owned and operated by a local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of a state.
- (33) Rights-of-Way: The area, either public or private, over which the right of passage exists.
- (34) Service Building: A building housing toilet, lavatory and such other facilities as may be required by this regulation.
- (35) Service Equipment: The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.
- (36) Sewer Connection: A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.
- (37) Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (38) Shall: Indicates that which is required.
- (39) Should: Indicates that which is recommended but not required.
- (40) Site: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.
- (41) Water Connection: A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- (42) Water Riser Pipe: That portion of the water supply system serving the mobile home development which extends vertically to the ground elevation and terminates at a designated point at each

mobile home lot.

SEC. 10-7-4      PERMITS.

- (a) PERMIT REQUIRED. It shall be unlawful for any person to construct, alter or extend any mobile home development within the Village unless he holds a valid permit issued by the Village Board in the name of such person for the specific construction, alteration or extension proposed.
- (b) PERMIT APPLICATIONS. All applications for permits shall contain the following:
  - (1) Name and address of applicant.
  - (2) Location and legal description of the mobile home development.
  - (3) Complete engineering plans and specifications of the proposed development showing but not limited to the following:
    - a. The area and dimensions of the tract of land;
    - b. The number, location, and size of all mobile home lots;
    - c. The location and width of roadways and walkways;
    - d. The location of water and sewer lines and riser pipes;
    - e. Plans and specifications of the water supply and refuse and sewage disposal facilities;
    - f. Plans and specifications of all buildings constructed or to be constructed within the mobile home development; and
    - g. The location and details of lighting and electrical systems.
- (c) FEE. All applications shall be accompanied by the deposit of fifty (\$50.00) dollars.
- (d) ISSUANCE OF PERMIT. When, after review and recommendation of the application by the Plan Commission, the Village Board is satisfied that the proposed plan meets the requirements of this Chapter, a permit shall be issued.
- (e) DENIAL OF PERMIT. Any person whose application for a permit under this Chapter has been denied may request and shall be granted a hearing on the matter before the Village Board under the procedure provided by this Chapter.

SEC. 10-7-5      LICENSES.

- (a) It shall be unlawful for any person to administer any mobile home community in the Village unless he holds a valid license issued annually by the Village Board in the name of such person for the specific mobile home community. All applications for licenses shall be made to the Village Board, who shall issue a license upon compliance by the applicant with provisions of this Chapter.

- (b) Every person holding a license shall give notice in writing to the Village Clerk-Treasurer within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any mobile home community. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home community. Upon application in writing for transfer of the license and payment of Ten (\$10.00) Dollars, the license shall be transferred if the mobile home community is in compliance with the applicable provisions of this Chapter.
- (c)
  - (1) Applications for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by deposit of a fee of Fifty (\$50.00) Dollars for each fifty (50) spaces or fraction thereof, or a fee of One Hundred (\$100.00) Dollars for over fifty (50) spaces up to a maximum of one hundred (100) spaces, and shall contain: the name and address of the applicant, the location and legal description of the mobile home community showing all mobile home stands, structures, roads, and other service facilities. If the application is approved, the deposit fee shall be the first year's license fee.
  - (2) Applications for renewal of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of Fifty (\$50.00) Dollars and shall contain any change in the information submitted since the original license was issued or the latest renewal granted. If the application is renewed, the renewal fee shall be the license fee. Licenses shall expire December 30th of each year.
- (d) Any person whose application for a license under this Chapter has been denied may request and shall be granted a hearing on the matter before the Village Board under the procedure provided by Section 10-7-7(a) of this Chapter.
- (e) Whenever, upon inspection of any mobile home community, the Plan Commission or Village Board finds that conditions or practices exist which are in violation of this Chapter, the enforcing agency shall give notice in writing in accordance with Section 10-7-7(a) to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Village Board, the license shall be suspended. At the end of such period, officials of the Village shall re-inspect such mobile home community and, if such conditions or practices have not been corrected, shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension such person shall immediately cease administration of such mobile home community except as provided in Section 10-7-7(b).

SEC. 10-7-6

INSPECTION.

- (a) The Building Inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter.
- (b) The authorized officials of the Village of Pardeeville shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter.
- (c) Village officials shall have the power to inspect the register containing a record of all residents of the mobile home community.
- (d) It shall be the duty of every resident of a mobile home community to give the management thereof or his designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter.

SEC. 10-7-7

NOTICES, HEARINGS AND ORDERS.

- (a) Whenever the Village Board determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the Village Board shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
  - (1) Be in writing;
  - (2) Include a statement of the reasons for its issuance;
  - (3) Allow a reasonable time for the performance of any act it requires.
  - (4) Be served upon the owner or his agent as the case may require provided: Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state;
  - (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter.
- (b) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter shall take the remedial action required to effect compliance with the provisions of this Chapter. In the event that such action is not taken in the period provided for in the notice issued pursuant to Section 10-7-7(a) herein, the license or permit shall be subject to revocation or suspension pursuant to Section 66.058(2)9d), Wis. Stats. The holder of the license or permit shall be entitled to a public hearing on the issue of revocation

or suspension; shall be given ten (10) days' notice in writing of such hearing; and shall be entitled to appear and be heard as to why such license shall not be revoked. The holder of such permit or license shall have such rights to appeal revocation or suspension of his permit or license as shall be provided by law.

SEC. 10-7-8            EXEMPTIONS OR VARIANCES.

- (a) Where the Village Board, after recommendation from the Plan Commission, finds that compliance with provisions of this Chapter would result in exceptional or undue hardship, an exemption may be granted by the Village Board without impairing the intent and purpose of this Chapter. The Village Board may waive or modify any requirement in these sections to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the master plan of the Village. Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time. Either a period of time hereinafter referred to as a "minimum period" not to exceed one year or a period of time hereinafter referred to as a "maximum period" not to exceed two (2) years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the terrain of the site, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, unique hardships arising from a literal application of the terms of this Chapter, and other similar factors.
- (b) Such period shall begin after the Village Board has given notice of a certain and specific deviation from this Chapter to the person to whom the permit or certification was issued.
- (c) Gradual improvements to a higher degree of conformity shall be permitted provided that there shall be complete conformity at the end of a period prescribed by the Village Board.

SEC. 10-7-9            PENALTIES; SEVERABILITY.

- (a) Except as otherwise specifically provided for herein, any person who violates any provision of this Chapter shall upon conviction shall forfeit not less than Twenty-five (\$25.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars and pay the costs of prosecution; and each day's failure to comply shall constitute a separate violation. The imposition of any such fine shall not bar any other relief or penalties otherwise applicable.
- (b) If any section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Chapter is for any reason held

invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

SEC. 10-7-10      LOCATION OUTSIDE MOBILE HOME DEVELOPMENTS.

- (a) PROHIBITION. Except as otherwise provided in this Chapter, it shall be unlawful for any person to maintain or inhabit any mobile home or trailer outside of a licensed mobile home community/park complying with the requirements of this Chapter on any street, alley, or highway, or other public place, or on any parcel of land owned by any person, firm or corporation within the Village of Pardeeville, Columbia County, Wisconsin, provided that emergency or temporary stopping or parking is permitted on any street, alley or highway subject to other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations of the Village of Pardeeville.
- (b) EXCEPTION. This Section shall not prevent the keeping of an automobile trailer or house car within the Village for not more than seventy-two (72) hours, except as hereinafter provided, on condition that during such time adequate water supply and adequate toilets are available at all times to the occupants. This exception is especially intended to provide for occupants of automobile trailers and mobile homes, who may be guests of citizens where an adequate water supply and toilet facilities are available to the guests in the homes of their hosts, but in no case shall this exemption extend beyond the seventy-two (72) hour limitation. Any automobile trailer or mobile home which is parked in the Village merely for storage purposes shall also be excepted from this Section. This Section shall not prevent the parking of unoccupied mobile homes for the purposes of inspection and sales.
- (c) USE OF TRAVEL TRAILER AS LIVING QUARTERS. No automobile trailer shall be used for living quarters upon any street, alley, or public way in the Village of Pardeeville.
- (d) PROHIBITED ELECTRICAL CONNECTIONS. No person, firm, or corporation shall make any electrical connection for any trailer or mobile home to any building or other source of electricity without permit and approval of the electrical inspector.



## **ARTICLE B**

### Development Standards

#### SEC. 10-7-11      GENERAL REQUIREMENTS.

- (a) URBAN SERVICE AREA. A mobile home development shall be located only upon property served by public sewer and water facilities.
- (b) PARK TO BE USED FOR RESIDENTIAL PURPOSES ONLY. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the mobile home park. Nothing contained in this section shall be deemed as prohibiting the sale of the mobile home located on a mobile home stand and connected to the pertinent utilities.
- (c) LAND SUITABILITY. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other threats to the public health, safety and welfare, and no portion which would expose persons or property to hazards.

#### SEC. 10-7-12      OBJECTIVES.

Site planning improvements shall provide for:

- (a) Facilities and amenities appropriate to the needs of the occupants.
- (b) Safe, comfortable and sanitary use by the occupants under all weather conditions.
- (c) Practical and efficient operation and maintenance of all facilities.

#### SEC. 10-7-13      DENSITY.

- (a) Each mobile home space or lot shall be a clearly-defined section of land within a mobile home development of not less than four thousand, five hundred (4,500) square feet and a clearly defined width of not less than fifty (50) feet.
- (b) No mobile home shall be parked in a mobile home community outside of a designated space.
- (c) Spaces designated for mobile homes shall be arranged so that no part of any mobile home is closer than twenty (20) feet to any part of any other trailer. No mobile home shall be located closer

than eight (8) feet from any property line bounding the park, and shall not be located closer than sixteen (16) feet from any existing residential building.

SEC. 10-7-14      RECREATION AREA; PUBLIC LAND DEDICATION.

- (a) All owners of mobile home developments shall dedicate to the Village of Pardeeville land or fees in lieu of land, for park, school or other public uses, other than streets or drainage ways. The public land dedication shall in all respects comply with the requirements of the Village Subdivision Ordinance.
- (b) Whenever a tract of land to be developed into a mobile home community embraces all or any part of an arterial street, drainage way or other public way which has been designated in the master plan, or master plan component, of the Village of Pardeeville, said public way shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan or map.

SEC. 10-7-15      REQUIRED SETBACKS, BUFFER STRIPS AND SCREENING.

- (a) All mobile homes shall be located at least forty (40) feet from the exterior property boundary line except where greater distances are required by Village zoning regulations. All mobile homes shall be set back at least twenty-five (25) feet from the right-of-way line of any internal public or private street system of the park (development).
- (b) There shall be a minimum distance of twenty-five (25) feet between the mobile home stand and the abutting street.
- (c) All mobile home developments shall be provided with screening such as fences or natural growth having a minimum height of five (5) feet along the property boundary line separating the development and adjacent land uses.

SEC. 10-7-16      IMPROVEMENTS.

Before final approval of any mobile home community located within the Village, the developer shall install street and utility improvements as hereinafter provided. The developer shall at the time of Village Board approval of the mobile home community development enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond meeting the approval of the Village Board or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be approved by the Village Board, as a guarantee that such improvements will be completed by the developer or his subcontractors not later than one (1) year from the date of the approval of the mobile home community plat and as a further guarantee that all obligations to

subcontractors for work on the development are satisfied. In addition, contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Village Board.

SEC. 10-7-17      STREET ARRANGEMENT.

- (a) In any new mobile home community the street layout shall conform to the arrangement, width and location indicated on the master plan of the Village, or as determined by the Village Board and Village Engineer. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The mobile home community shall be designed so as to provide each lot with satisfactory access to a public street.
- (b) "COLLECTOR STREETS," as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas in the mobile home community and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- (c) "MINOR STREETS," as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) "PROPOSED STREETS" shall extend to the boundary lines of the tract being developed unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the mobile home community or for the advantageous development of the adjacent tracts.
- (e) "RESERVE STRIPS" shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- (f) "STREET NAMES" shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

SEC. 10-7-18      LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

- (a) Wherever the proposed mobile home community contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
- (1) When lots within the proposed mobile home community back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted parcels but shall have the following restriction lettered on the face of the mobile home community plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
  - (2) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred and fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
  - (3) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

SEC. 10-7-19      STREET DESIGN STANDARDS.

The design standards for streets, street intersections, and blocks shall be as specified in the Village Subdivision Ordinance.

SEC. 10-7-20      LOT SIZE AND DIMENSION.

- (a) LOT SIZE. The size, shape, and orientation of lots shall be appropriate for the location of the mobile home development and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing site and a proper architectural setting for the use contemplated. The density requirements of Section 10-7-13 shall be complied with.
- (b) LOT LINE DESIGN. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow corporate boundary lines rather than cross them.
- (c) DOUBLE FRONTAGE. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of

residential development from through traffic or to overcome specific disadvantages of topography and orientation.

- (d) **MOBILE HOME STANDS:** The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. Construction specifications of the mobile home stands shall be as determined by the Village Engineer. Anchors or tie-downs shall be provided, such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrow head anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be able to adequately sustain the weight of the mobile home, its contents and inhabitants.
- (e) **DRIVEWAYS:** Improved driveways should be provided on lots where necessary for convenient access to mobile homes. Such driveways shall comply with the provisions governing construction of driveways in this Code of Ordinances.
- (f) **PARKING SPACES:** The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.
- (g) **CORNER LOTS.** Corner lots shall have an extra width of ten (10) feet to permit adequate setbacks from side streets.

SEC. 10-7-21      UTILITY EASEMENTS.

- (a) **UTILITIES.** The Village Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits; storm and sanitary sewers; and gas, water and other utility lines. All utilities shall be underground unless accepted by the Village Board.
- (b) **DRAINAGE EASEMENTS.** Where a mobile home development is traversed by a watercourse, drainage way channel or stream, an adequate drainage way or easement shall be provided as may be required by the Village Board. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Village Board; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Board.

SEC. 10-7-22      REQUIRED IMPROVEMENTS.

- (a) **SURVEY MONUMENTS.** Survey monuments, street grading, surfacing, curb and gutter and sidewalks shall comply with the provisions of the Village Subdivision Ordinance.

(b) SANITARY SEWAGE DISPOSAL SYSTEMS.

- (1) The mobile home community developer shall make adequate sewage disposal systems available to each lot with the mobile home park.
- (2) Mobile home parks shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board and the Village Engineer.

(c) STORM WATER DRAINAGE FACILITIES. The developer shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type, and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board and the Village Engineer.

(d) WATER SUPPLY FACILITIES.

- (1) The developer shall make adequate domestic water supplies available to each lot within the mobile home park.
- (2) Where public water service is available, the developer shall construct water mains in such a manner as to make adequate water service available to each lot within the mobile home community. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board and the Village Engineer.
- (3) If at the time of final platting, public water service is not available, but will become available within a period of five (5) years from the date of the approval of the park, the Village Board may require the developer to install or cause to be installed water laterals to the street lot line.

(e) OTHER UTILITIES.

- (1) The developer shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the mobile home park. All new electrical distribution television cables, and telephone lines from which lots are individually served shall be underground unless the Village Board specifically allows overhead poles for the following reasons:
  - a. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
  - b. The lots to be served by said facilities can be served

directly from existing overhead facilities.

- (2) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the mobile home park shall be approved by the Village.
- (f) STREET LAMPS. The developer shall install ornamental streets lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Engineer and Village Board.
- (g) STREET TREES. The developer shall plant at least one (1) tree of a species acceptable to the Village and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the Village Board.
- (h) EROSION CONTROL. The developer shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented.
- (i) PARTITION FENCES. When the land included in the mobile home park abuts upon or is adjacent to land used for farming or grazing purposes, the developer shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the mobile home development map.
- (j) STREET NAME SIGNS AND POSTS. The developer shall install or cause to be installed street name signs at all street intersections. Plans and specifications for the street name signs and posts shall be approved by the Village Board.

SEC. 10-7-23      FIRE EXTINGUISHERS REQUIRED.

Each mobile home occupied as a place of human habitation under any of the provisions of this ordinance shall be equipped with a fire extinguisher, conveniently attached thereto. Such extinguisher to be of one (1) unit of fire protection capacity, and of a type suitable for extinguishing Class A or Class B fires, approved by the Fire Department.

SEC. 10-7-24      COMPLIANCE WITH PLUMBING, ELECTRICAL & BUILDING CODES

All plumbing, electrical, building and other work done on or at any mobile home park licensed under this ordinance shall be in accordance with the ordinances of the Village of Pardeeville, and the requirements of the State plumbing, electrical and building codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

SEC. 10-7-25      SERVICE BUILDING AND OTHER COMMUNITY FACILITIES.

- (a) GENERAL. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:
  - (1) Management offices, repair shops and storage areas;
  - (2) Sanitary facilities;
  - (3) Laundry facilities;
  - (4) Indoor recreation areas;
  - (5) Commercial uses supplying essential goods or services for the exclusive use of development occupants.
- (b) COMMUNITY SANITARY FACILITIES. Every development shall be provided with the following emergency sanitary facilities: For each forty (40) mobile home lots, or fractional part thereof, there shall be one flush toilet and one lavatory. The building containing such emergency sanitary facilities shall be accessible to all mobile homes.
- (c) PERMANENT BUILDINGS.
  - (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
  - (2) All rooms containing sanitary or laundry facilities shall:
    - a. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material
    - b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10%) percent of the floor area served by them.
  - (3) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
  - (4) Illumination levels shall be maintained as follows: (1)



general seeing tasks - five foot candles; (2) laundry room work area - 40 foot candles; (3) toilet room, in front of mirrors - 40 foot candles.

- (5) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.



## ARTICLE C

### Community Maintenance Regulations

#### SEC. 10-7-26      RESPONSIBILITIES OF THE MANAGEMENT.

- (a) The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this Chapter and to keep its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The management shall notify the community residents of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter.
- (c) The management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- (d) The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community.
- (e) The management shall notify the enforcing agency immediately of any suspected communicable or contagious disease within the community.

#### SEC. 10-7-27      RESPONSIBILITIES OF THE RESIDENT.

- (a) The resident shall comply with all applicable requirements of this Chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition.
- (b) The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management.
- (c) Pets, if permitted in the community, shall be governed by appropriate Village Ordinances.
- (d) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:
  - (1) The storage area shall be provided with a base of impervious material.
  - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - (3) The storage area shall be enclosed by skirting.

- (e) The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.

SEC. 10-7-28      ACCESSORY STRUCTURES.

- (a) Accessory structures remain as per definition dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structure shall be erected, constructed and occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable state or local standards and as specified in this Chapter.
- (b) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.
- (c) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.
- (d) Construction and electrical installations shall comply with the applicable regulations of the municipality.
- (e) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home.
- (f) Accessory buildings shall not exceed 600 square feet and there shall be no more than one per lot.

SEC. 10-7-29      MOBILE HOME PLACEMENT AND ANCHORAGE.

- (a) The mobile home shall be properly placed on its foundation and its stability shall be affirmed.
- (b) The mobile home shall be properly secured against high wind velocities. Overturning, sliding or uplift shall be prevented through anchors, tie-downs or similar devices. Mobile homes shall be anchored in accordance with the minimum standards set out in the United States Department of Commerce, National Bureau of Standards, book known as "NBS Building Science Series 107, Soil and Rock Anchors for Mobile Homes - a State of the Art Report," issued October, 1979. The minimum standards recommended in Section 2.3 of that book shall apply, unless local conditions make it impossible to comply with those standards, in which case other techniques recommended elsewhere in the book shall apply.

SEC. 10-7-30      SOLID WASTE HANDLING.

- (a) The storage, collection and disposal of refuse in the mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
- (b) Where suitable collection service is not available from municipal

or private agencies, the management shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

SEC. 10-7-31      INSECT AND RODENT CONTROL.

- (a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Village.
- (b) The mobile home community shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
- (d) Where the potential for insect and rodent infestation exists all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
- (e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. The community shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

## CHAPTER 8

### Solar Access

- § 10-8-1 Statement of Finding and Purpose
- § 10-8-2 Definitions
- § 10-8-3 Permit Application and Notice
- § 10-8-4 Hearing
- § 10-8-5 Grant of Permit
- § 10-8-6 Appeals
- § 10-8-7 Record of Permit
- § 10-8-8 Rights of Permit Holder
- § 10-8-9 Waiver of Rights
- § 10-8-10 Termination of Permits
- § 10-8-11 Preservation of Rights

#### SEC. 10-8-1 STATEMENT OF FINDINGS AND PURPOSE.

- (a) The Village Board finds that:
  - (1) Diminishing supplies of nonrenewable energy resources threaten the physical and economic well being of the residents of this community who presently rely on such resources to maintain their homes, industries, businesses and institutions;
  - (2) Solar energy systems hold great promise for the future energy needs of this community because they use a renewable energy resource; because they require less capital, land, water and other resources needed for central-station generation of electricity; and because they do not pollute the community's water and air; and
  - (3) The successful use of solar energy systems for such purposes as supplying space heating, water heating or the production of electricity is dependent upon sufficient access to direct sunlight.
- (b) This chapter is adopted under authority contained in sec. 66.032, Wis. Stats., for the purpose of protecting the health, safety, and general welfare of the community by:
  - (1) Promoting the use of solar energy systems;
  - (2) Protecting access to sunlight for solar energy systems; and
  - (3) Assuring that potentially conflicting interests of individual property owners are accommodated to the greatest extent possible compatible with the overall goal of this ordinance.

#### SEC. 10-8-2 DEFINITIONS.

- (a) In this Chapter "AGENCY" means the Village of Pardeeville Zoning Inspector.

- (b) "APPLICANT" means an owner applying for a permit under this chapter.
- (c) "APPLICATION" means an application for a permit under this chapter.
- (d) "COLLECTOR SURFACE" means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, support and mounting hardware.
- (e) "COLLECTOR USE PERIOD" means 9:00 a.m. to 3:00 p.m. standard time daily.
- (f) "IMPERMISSIBLE INTERFERENCE" means a blockage of solar energy from a collector surface or a proposed collector surface for which a permit has been granted under this chapter [section] during a collector use period, if such blockage is by any structure or vegetation on property an owner of which was notified under Section 10-8-3(f). "Impermissible interference" does not include:
  - (1) Blockage by a narrow protrusion, vegetation, or other object which never obstructs more than 5% of the solar energy which would strike a solar collector during the collector use period on any given day;
  - (2) Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under Section 10-8-3(f).
  - (3) Blockage by any vegetation planted before the date the last notice is mailed or delivered under Section 10-8-3(f).
  - (4) Blockage by any structure or vegetation which obstructs less solar energy from a solar collector during the collector use period than would be obstructed by a 6 foot high wall located along the northern boundaries of the property to the south of the solar collector.
- (g) "OWNER" means at least one owner, as defined under Sec. 66.02 1(1)(a), Wis. Stats., of a property or the personal representative of at least one owner.
- (h) "PERMIT" means a solar access permit issued under this Chapter.
- (i) "SOLAR COLLECTOR" means a device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.
- (j) "SOLAR ENERGY" means direct radiant energy received from the sun.

SEC. 10-8-3

PERMIT APPLICATION AND NOTICE. Amended 01-21-03

- (a) PERMIT JURISDICTION. Any owner who has installed or intends to install a solar collector may apply to the Village Board for a permit. A permit may affect any land located within the territorial limits of the Village or which is subject to an extra- territorial zoning ordinance unless the extraterritorial land is subject to a zoning ordinance adopted by a county or town.

- (b) APPLICATION. An application for a permit under this Chapter may be obtained from the Village Clerk-Treasurer and shall be completed by the applicant.
- (c) INFORMAL PRE-APPLICATION MEETING. Prior to the filing of an application, the applicant shall meet with the Plan Commission to discuss the application and the permit process.
- (d) APPLICATION FEE. The completed permit application shall be submitted to the Village Clerk-Treasurer with an application fee AS SET FORTH IN Section 1-1-8.
- (e) REVIEW OF APPLICATION. The Plan Commission shall review the application to determine if it is satisfactorily completed. The Plan Commission shall notify the applicant of this determination within thirty (30) days after the application has been filed and the application fee received. If the Plan Commission determines that the application is satisfactorily completed, the Village shall provide notice forms and receipt forms to the applicant for service and signing under Subsection (f).
- (f) SERVICE OF NOTICE. If an applicant is notified that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand the notice, supplied by the Village, to the owner of any property which the applicant proposes to be restricted by the permit. The applicant shall submit to the Village Clerk-Treasurer a copy of a signed receipt for every notice delivered under this subsection.
- (g) CONTENT OF NOTICE. The information on the notice form shall include:
  - (1) The name and address of the applicant, and the address of the land upon which the solar collector is or will be located.
  - (2) That an application has been filed by the applicant.
  - (3) That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.
  - (4) That any person who received a notice may request a hearing under Section 10-8-4 within thirty (30) days after receipt of the notice.
  - (5) The procedure for filing a hearing request and telephone number, address and office hours of the agency.

SEC. 10-8-4      HEARING.

Within thirty (30) days after receipt of the notice under Section 10-8-3(f), any person who has received a notice, or anyone acting on that person's behalf, may file a request for a hearing on the granting of a permit or the Village Board may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the Village Board determines that a hearing is necessary, the Village Board shall conduct a hearing on the application within 90 days after the last notice is delivered. At least thirty (30) days prior to the hearing date, the Village Board shall notify the



applicant, any person who has requested a hearing under this section, all owners notified under Section 10-8-3(f), and any other person filing a request of the time and place of the hearing. Prior to the hearing, the Plan Commission shall submit an advisory recommendation to the Village Board.

SEC. 10-8-5            GRANT OF PERMIT.

- (a) DETERMINATION. The Village Board shall grant a permit if the Board determines that:
  - (1) The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the Village;
  - (2) No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under Sec. 10-8-3(f), has expended at least Five Hundred (\$500.00) Dollars on planning or designing such a structure, or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and
  - (3) The benefits to the applicant and the public will exceed any burdens.
  - (4) No person has demonstrated that the granting of a permit would cause an undue hardship in using his or her property in a manner consistent with existing zoning regulations and neighboring property uses.
- (b) CONDITIONS.
  - (1) The Village Board may grant a permit subject to any condition or exemption the Village Board deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the collector and requirements for the compensation of persons affected by the granting of the permit.
  - (2) As a condition of receiving a permit, the permit holder shall be responsible for the cost of trimming [pre-existing] vegetation on property affected by the permit to prevent an impermissible interference. The permit holder shall give consideration to the desires of the property owner in trimming such vegetation and shall not unnecessarily remove vegetation which does not or will not in a reasonable period of time create an impermissible interference.

SEC. 10-8-6      APPEALS.

Any person aggrieved by a decision under this chapter may appeal the decision by making a written request to the Village Board within ten (10) days of the decision. The decision shall be reviewed by the Zoning Board of Appeals.

SEC. 10-8-7      RECORD OF PERMIT.

If the Village Board grants a permit:

- (a) The Village Board shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the legal description pursuant to sec. 706.05(2)(c), Wis. Stats., for the property upon which the solar collector is or will be located and for any property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector which is the subject of the permit unless the permit affecting the property is terminated or unless a waiver agreement affecting the property is recorded under Section 10-8-9.
- (b) The applicant shall record with the register of deeds of the county in which the property is located the notice under Subsection (a) for each property specified under Subsection (a) and for the property upon which the solar collector is or will be located.
- (c) The Village Board shall note the location of any solar collector which is the subject of a permit on a map showing the location of all solar collectors for which permits have been granted and shall identify on the map all properties which are subject to restrictions resulting from the granting of a permit.

SEC. 10-8-8      RIGHTS OF PERMIT HOLDER.

The holder of a permit granted under this Chapter is entitled to access to sunlight for the solar collector subject to any conditions or exemptions in the permit and may seek damages for any loss caused by an impermissible interference or an injunction to prevent an impermissible interference as provided under sec. 66.032(7), Wis. Stats.

SEC. 10-8-9      WAIVER OF RIGHTS.

A permit holder by written agreement may waive all or part of any right protected by a permit. The permit holder shall record a copy of the agreement with the register of deeds. A copy of the agreement shall also be filed with the Village Board.

SEC. 10-8-10      TERMINATION OF PERMITS.

- (a) Any rights protected by a permit under this Chapter shall terminate if the Village Board determines that the solar collector which is the subject of the permit is:
  - (1) Permanently removed or is not used for two (2) consecutive years, excluding time spent on repairs or improvements, or
  - (2) Not installed and functioning within two (2) years after the date of issuance of the permit.
- (b) The Village Board shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under Subsection (a).
- (c) If the Village Board terminates a permit, the Village Board shall record a notice of termination with the register of deeds. The Village Board may charge the permit holder for the cost of recording.
- (d) The Village Board shall modify the map of solar collectors prepared under Section 10-8-7(c) to reflect the termination of a permit.

SEC. 10-8-11      PRESERVATION OF RIGHTS.

The transfer of title to any property shall not change the rights and duties provided by a permit granted under this Chapter.

## CHAPTER 9

### Erosion and Storm Water Runoff Control

- § 10-9-1 Title of Chapter
- § 10-9-2 Finding and Declaration of Purpose
- § 10-9-3 Erosion and Sedimentation Control Plans
- § 10-9-4 Prohibited Sediment Deposits
- § 10-9-5 Required Subdivision Construction Site Erosion Control
- § 10-9-6 Performance of Work by the Village

#### SEC. 10-9-1 TITLE OF CHAPTER.

This Chapter shall be known, cited and referred to as the "Erosion and Storm Water Runoff Control Ordinance.

#### SEC. 10-9-2 FINDING AND DECLARATION OF PURPOSE.

The Village finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Village. Therefore, it is declared to be the purpose of this Chapter to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village.

#### SEC. 10-9-3 EROSION AND SEDIMENTATION CONTROL PLANS.

- (a) MAY BE REQUIRED. Erosion and sedimentation control plans may be required by the Plan Commission before authorization of construction or installation of improvements showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall generally follow the guidelines and standards set forth in the publication, Minimizing Erosion in Urbanizing Areas, as prepared by the U.S. Department of Agriculture, Soil Conservation Service, 1972, and the standards contained in this Chapter.
- (b) STANDARD FOR EROSION AND SEDIMENT CONTROL FOR LAND-DISTURBING ACTIVITIES. If required by the Plan Commission, plans will not be approved nor permits issued unless erosion and sedimentation leaving the site during and after the land disturbance will not exceed that which would have been eroded if the land had been

left in its undisturbed state and/or are controlled in accordance with established procedures, including, but not limited to, Minimizing Erosion in Urbanizing Areas or other technical guidelines as developed by the U.S. Department of Agriculture, Soil Conservation Service.

- (c) STANDARDS FOR ON-SITE DETENTION AND RUNOFF CONTROL FOR LAND DISTURBING ACTIVITIES. Activities subject to on-site detention and runoff control regulation under this Section shall comply with the following standards:
  - (1) The peak runoff rate after the proposed activities should not be greater than the peak rate which would have resulted from the same ten (10) year storm event occurring over the site with the land in its natural undeveloped state.
  - (2) Where on-site detention is used for runoff control, the detention facilities shall safely contain and/or safely pass the runoff of a one hundred (100) year storm of any duration.
  - (3) Determination of on-site detention volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR-55," and accepted by the Village Engineer.
- (d) STANDARD FOR TRACKING. For plan approval there must be adequate provisions to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.
- (e) DESIGN CRITERIA, ENGINEERING STANDARDS AND GENERAL PRINCIPLES. The person engaged in land-disturbing activities may employ structural or non-structural measures necessary to achieve all applicable standards set out in this Chapter. However, these measures will be evaluated to determine that they follow currently accepted design criteria and engineering standards. The following general principles shall be used when evaluating control plans and granting permits under this Section:
  - (1) The smallest area of land shall be exposed for the shortest period at any given time during development.
  - (2) The rough grading of the lot shall include backfilling the basement and all excess earth shall be hauled off the lot.
  - (3) Accommodation of the increased runoff caused by changed soil and surface conditions during and after development.
  - (4) Permanent, final plant covering or structures shall be installed prior to final acceptance.
  - (5) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
  - (6) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site and temporary vegetation, mulching or other cover shall be used to protect the area exposed during the land-disturbing activity.

(f) CONTENTS OF THE CONTROL PLAN. The control plan that may be required by this Section shall contain such information needed to determine soil erosion, sedimentation and runoff control:

- (1) A map of the site location showing the location of the predominant soil types.
- (2) A topographic map of the site location, including the contiguous properties, existing drainage patterns and watercourses affected by the proposed development of the site and the existing vegetative cover.
- (3) A plan of the site showing:
  - a. Name, address and telephone number of the occupant and party responsible for maintaining erosion control.
  - b. Limits of natural floodplain(s), based on a one hundred (100) year flood, if any.
  - c. A timing schedule indicating the anticipated starting and completion dates of the development sequence.
  - d. Proposed topography of the site location with a maximum of two-foot contour intervals showing:
    1. Location of activity, disturbance of protective cover, any additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
    2. Elevations, dimensions, location of all activities including where topsoil will be stockpiled.
    3. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
    4. Kinds of utilities and areas of installation, including special erosion control practices for utility installation.
    5. Paved and covered areas in square feet or to scale on a plan map.
    6. Makeup of surface soil (upper six [6] inches) on areas not covered by buildings, structures, or pavement.
    7. Kind of cover on areas not covered by buildings, structures, or pavement.

(g) REVIEW OF PLAN.

- (1) The Plan Commission shall review all required control plans within thirty (30) days to determine if the measures are adequate to meet all applicable standards as set out in this Section. The control plan will be approved, disapproved, modified or have additional information required, in writing.
- (2) In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Commission's decision to the Village Board.

(h) APPEALS.

- (1) The Village Board shall hear and decide appeals where it is alleged that there is error in any order, requirement,

decision or determination made by the Plan Commission in administering this Section.

- (2) a. The Village Board may authorize upon appeal in specific cases such variances from the terms of this Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Section will result in unnecessary hardship, so that the spirit of this Section shall be observed, public safety and welfare secured, and substantial justice done.
- b. Such variance may be granted to two (2) or more property owners, including governmental agencies who submit one runoff control plan for two (2) or more parcels of land. In the event it is in the interest of the Village to participate with another property owner(s) in a runoff control plan and contribute available storm water detention capacity, or construct storm water detention on Village lands, the other participant(s) shall reimburse the Village an amount equal to the value of the Village lands used but not less than the fair market value of unimproved lands plus the estimated construction cost of the detention capacity that would have been required of the other participant(s) to serve their lands in order to comply with this Section.

SEC. 10-9-4

PROHIBITED SEDIMENT DEPOSITS.

Any person, firm or corporation who causes or permits erosion, sediment deposits, tracking or dropping of dirt on adjacent land, public streets or bodies of water from any land whether otherwise subject to this Chapter or not, shall be deemed in violation of this Section and subject to the general penalties provided in Sec. 1-1-6.

SEC. 10-9-5

REQUIRED SUBDIVISION CONSTRUCTION SITE EROSION CONTROL.

- (a) REQUIRED EROSION CONTROL. All subdividers shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the Plan Commission. In addition:
  - (1) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
  - (2) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

- (3) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - (4) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
  - (5) The subdivider shall be responsible at his expense for repairing any damage to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from his activities.
- (b) PROTECTING EXISTING FLORA. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- (c) ENTRY; COMPLIANCE.
- (1) The subdivider agrees to permit the Building Inspector to enter onto the land. regulated under this Chapter for the purpose of inspecting for compliance with this Chapter.
  - (2) The subdivider authorizes the Village to perform any work or operations. necessary to bring the condition of the lands into conformity with the approved control plan, if required, and this Section, and further consents to the Village collecting the total of the costs and expenses of such work and operating as a special charge against the property for current services rendered as provided by law.

SEC. 10-9-6

PERFORMANCE OF WORK BY THE VILLAGE.

Where it is found that any of the provisions of this Chapter, when required, are not being observed on particular lands, the Building Inspector is hereby authorized to require the owner, occupant or user to perform the work or land treatment measures within ten (10) working days and to order that if the owner, occupant or user fails to perform, the Building Inspector may go on the land, and bring the condition of said lands into conformity with the requirements of this Chapter, and recover the costs and expenses thereof from the owner. In the event that the owner fails to pay the amount due, it shall be collected as a special charge for current services rendered upon the property as provided by law.



## CHAPTER 10

### Shoreland-Wetland Zoning

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§ 10-10-3	Title of Chapter
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§ 10-10-21	Official Shoreland-Wetland Zoning Maps
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§ 10-10-34	Fees
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§ 10-10-40	Enforcement and Penalties
§ 10-10-41	Definitions

## ARTICLE A

### Statutory Authorization, Findings of Fact, Statement of Purpose and Title

#### SEC. 10-10-1                      STATUTORY AUTHORIZATION.

This Chapter is adopted pursuant to the authorization in Sections 61.35, 62.23, 62.231, 87.30 and 144.26, Wis. Stats.

#### SEC. 10-10-2                      FINDINGS OF FACT.

- (a) FINDINGS OF FACT. Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the Village of Pardeeville would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.
- (b) PURPOSE. To promote the public health, safety, convenience and general welfare, this Chapter has been established to:
  - (1) Further the maintenance of safe and healthful conditions;
  - (2) Prevent and control water pollution by filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters and to maintain storm and flood water capacity;
  - (3) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
  - (4) Prohibit certain uses detrimental to the shoreland-wetland area; and
  - (5) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

#### SEC. 10-10-3                      TITLE OF CHAPTER.

Shoreland-Wetland Zoning Ordinance/Chapter for the Village of Pardeeville, Wisconsin.

#### SEC. 10-10-4 THROUGH SEC. 10-10-9                      RESERVED FOR FUTURE USE.

## ARTICLE B

### General Provisions

#### SEC. 10-10-10      COMPLIANCE.

The use of wetlands, and the alteration of wetlands within the shoreland area of the Village of Pardeeville shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 10-10-25 of this Chapter, for the standards applicable to nonconforming uses.) AU permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

#### SEC. 10-10-11      MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.1 2(4)(a), Wis. Stats., applies.

#### SEC 10-10-12      ABROGATION AND GREATER RESTRICTIONS.

- (a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 62.23 or 87.30, Wis. Stats., which relate to shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

#### SEC. 10-10-13      INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a

standard in Chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

SEC. 10-10-14 SEVERABILITY.

Should any portion of this Chapter be declared invalid or unconstitutional for any reason, by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

SEC. 10-10-15 THROUGH SEC. 10-10-19 RESERVED FOR FUTURE USE.



## ARTICLE C

### Shoreland-Wetland Zoning District

#### SEC. 10-10-20      PURPOSE OF SHORELAND-WETLAND ZONING.

This Chapter is adopted to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

#### SEC. 10-10-21      OFFICIAL SHORELAND-WETLAND ZONING MAPS.

The following maps are hereby adopted and made a part of this ordinance and are on file in the office of the Clerk of Pardeeville, Wisconsin:

- (a) Wisconsin Wetland Inventory maps stamped "FINAL" on April 16.
- (b) Floodplain zoning maps titled as such and dated August 15, 1983.
- (c) United States Geological Survey maps dated September, 1984.
- (d) Zoning maps titled Zoning Code for the Village of Pardeeville and dated September 6, 1960.

#### SEC. 10-10-22      DISTRICT BOUNDARIES.

- (a) The shoreland-wetland zoning district includes all wetlands in the Village of Pardeeville, Wisconsin which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 10-10-21 and which are:
  - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village of Pardeeville shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Columbia County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 10-10-21 of this Chapter.
  - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent

waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 10-10-22. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, County Soil Survey Maps or other existing community floodplain zoning maps used to delineate floodplain area which have been adopted by the Village, shall be used to determine the extent of floodplain areas in the Village.

- (b) Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.
- (c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the item the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant to deny land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

SEC. 10-10-23      PERMITTED USES.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
  - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
  - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
  - (4) The pasturing of livestock;
  - (5) The cultivation of agricultural crops; and
  - (6) The construction and maintenance of duck blinds.

- (b) Uses which do not require the issuance of a (zoning/land use/building) permit and which may involve wetland alterations only to the extent specifically provided below:
- (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
  - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
  - (3) The maintenance and repair of existing drainage ditches, where permissible under Section 30.20, Wis. Stats., or of other existing drainage systems (such as tiling) to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;
  - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
  - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 10-3-38(c) of this Chapter; and
  - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
    - a. The road cannot, as a practical matter, be located outside the wetland;
    - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 10-10-38(c) of this Chapter;
    - c. The road is designed and constructed with the minimum



- cross-sectional area practical to serve the intended use;
  - d. Road construction activities are carried out in the immediate area of the roadbed only; and
  - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings provided that:
  - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
  - b. The building cannot, as a practical matter, be located outside the wetland;
  - c. The building does not exceed five hundred (500) square feet in floor area; and
  - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
  - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
  - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
  - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
  - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer distribution lines, and related facilities provided that:
  - a. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland;
  - b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  - c. Such construction or maintenance is done in a manner

designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 10-10-38(c) of this Chapter.

- (5) The construction and maintenance of railroad lines, provided that:
- a. The railroad lines cannot, as a practical matter, be located outside the wetland;
  - b. Only limited wetland alteration necessary for such construction or maintenance is allowed; and
  - c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as listed in Section 10-10-38 of this Chapter.

SEC. 10-10-24      PROHIBITED USES.

- (a) Any use not listed in Section 10-10-23 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 10-10-38 of this Chapter.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

SEC. 10-10-25      NONCONFORMING STRUCTURES AND USES.

The existing lawful use of a structure, building or property, or its accessory use, which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

- (a) Notwithstanding Section 62.23(7)(h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure, or an environmental control facility related to a nonconforming structure, in existence at the time of adoption or subsequent amendment of this chapter adopted under Section 61.351, Wis. Stats., is permitted under Section 61.351(5), Wis. Stats.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (d) The maintenance and repair of nonconforming boathouses which are

located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Section 30.121, Wis. Stats.

- (e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

SEC. 10-10-26 THROUGH SEC. 10-10-29 RESERVED FOR FUTURE USE.

## ARTICLE D

### Administrative Provisions

#### SEC. 10-10-30

#### ZONING ADMINISTRATOR.

The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and certificates of compliance and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

#### SEC. 10-10-31

#### ZONING PERMITS.

- (a) WHEN REQUIRED. Unless another section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 10-10-41(b)(4) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) APPLICATION. An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
  - (1) General Information.
    - a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
    - b. Legal description of the property and a general description of the proposed use or development.
    - c. Whether or not a private water or sewage system is to be installed.

- (2) Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
  - a. Dimensions and area of the lot;
  - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
  - c. Location of any existing or proposed on-site sewage systems or private water supply systems;
  - d. Location of the ordinary high-water mark of any abutting navigable waterways;
  - e. Location and landward limit of all wetlands;
  - f. Existing and proposed topographic and drainage features and vegetative cover;
  - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
  - h. Location of existing or future access roads; and
  - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) EXPIRATION. All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

SEC. 10-10-32

CERTIFICATES OF COMPLIANCE.

- (a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
  - (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
  - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
  - (3) The certificate of compliance shall be issued within ten (10) days after the completion of the work specified in the zoning or conditional use permit, providing the building or premises or proposed use thereof conforms with all the provisions of this Chapter.
- (b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established therefore, by the Village Board.
- (c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption, certifying after

inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

SEC. 10-10-33

CONDITIONAL USE PERMITS FOR WETLAND AREAS.

- (a) APPLICATION. Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures in Sections 10-10-37(c), (d) and (e), for hearing and deciding appeals.
- (b) CONDITIONS. Upon consideration of the permit application and the standards applicable to the permitted uses in Section 10-10-23(c) of the Chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section 10-10-2 of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion potential; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

SEC. 10-10-34

FEEES.

The Village Board may establish fees by resolution for the following permits and administrative procedures under this Chapter:

- (a) Zoning permits
- (b) Certificates of compliance
- (c) Public hearings
- (d) Legal notice publications
- (e) Conditional use permits

SEC. 10-10-35

RECORDING.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

SEC. 10-10-36      REVOCATION.

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of appeals.

SEC. 10-10-37      BOARD OF APPEALS.

- (a) APPOINTMENT. The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7) (e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by Section 63.23(7) (e)3., Wis. Stats.
- (b) POWERS AND DUTIES. The Board of Appeals shall:
  - (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
  - (2) Hear and decide applications for conditional use permits under this Chapter.
  - (3) May authorize upon appeal in specific cases, such variance from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Chapter will result in unnecessary hardship. In the issuance of a variance, the spirit of the Chapter shall be observed and substantial justice done. No variance from the terms of this Chapter shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. The granting of a variance shall not have the effect of granting or extending any use of property which is prohibited in that zoning district by this Chapter.
- (c) APPEALS TO THE BOARD. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement decision, or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official from whom the appeal is taken, and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other official from whom the appeal is taken shall transmit to the Board all the papers constituting the record on which the appeal action was taken.
- (d) PUBLIC HEARINGS.
  - (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public



hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.

- (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.

(e) DECISIONS.

- (1) The final disposition of an appeal, or application for a conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.
- (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within ten (10) days after the decision is issued.

SEC. 10-10-38      AMENDING SHORELAND-WETLAND ZONING REGULATIONS

The Village Board may from time to time, alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Village planning agency.
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Plan Commission, and a public hearing shall be held as required by Section 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 144.26, Wis. Stats., will be accomplished by the amendment, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and flood water storage capacity;
  - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
  - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (4) Shoreline protection against soil erosion;
  - (5) Fish spawning, breeding, nursery or feeding grounds;
  - (6) Wildlife habitat; or
  - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The appropriate district office of the Department shall be provided with:
- (1) A copy of the recommendations and report, if any, of the Village Plan Commission on the proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village Board; and
  - (2) Written notice of the Village Board's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the Department notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (c), of this Section, that proposed amendment, if approved by the Village Board, may not become effective until more than thirty (30) days have elapsed since written notice of the Village Board approval was mailed to the Department, as required by Subsection (e) of this Section. If within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village under Section 62.231(6), Wis. Stats., the proposed amendment may not become effective until the ordinance adoption procedure under Section 62.231(6), Wis. Stats., is completed or otherwise terminated.

## ARTICLE E

### Penalties; Definitions

#### SEC. 10-10-40      ENFORCEMENT AND PENALTIES.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and the Village Attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture as specified in Sec. 1-1-6, "General Penalties," of this Code of Ordinances, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State, or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

#### SEC. 10-10-41      DEFINITIONS.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
  - (1) Accessory Structure or Use means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
  - (2) Boathouse, as defined in Section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
  - (3) Department means the Wisconsin Department of Natural Resources.

- (4) Development means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
- (5) Drainage System means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (6) Environmental Control Facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (7) Fixed Houseboat, as defined in Section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (8) Navigable Waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 62.231, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
  - a. Such lands are not adjacent to a natural navigable stream or river;
  - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
  - c. Such lands are maintained in nonstructural agricultural use.
- (9) Ordinary High-Water Mark means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other

easily recognized characteristic.

- (10) Planning Agency means the Plan Commission for the Village created under Section 62.23(1), Wis. Stats.
- (11) Regional Flood means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur or be exceeded on a particular stream because of like physical characteristics, once in every one hundred (100) years.
- (12) Shorelands means lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (13) Shoreland-Wetland District means the zoning district, created in this shoreland- wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a party of this Chapter as described in Section 10-10-11 of this Chapter.
- (14) Special Exception or Conditional Use means a use which is permitted by this Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the Village Board.
- (15) Unnecessary Hardship means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
- (16) Variance means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
- (17) Wetlands means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (18) Wetland Alteration means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

## Chapter 11

### Historic Preservation (adopted 7/11/95)

10-11-1	Purpose and Intent
10-11-2	Definitions
10-11-3	Historic Preservation Commission Composition
10-11-4	Historic Structure, Historic Site and Historic District Designation Criteria.
10-11-5	Power and Duties
10-11-6	Procedures
10-11-7	Interim Control
10-11-8	Penalties for Violations
10-11-9	Separability

#### SEC. 10-11-1      PURPOSE AND INTENT

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the village's cultural, social, economic, political and architectural history.
- (b) Safeguard the village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the village.
- (d) Protect and enhance the village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

#### SEC. 10-11-2      DEFINITIONS.

- (a) CERTIFICATE OF APPROPRIATENESS means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvements in a historic district.

- (b) COMMISSION means the Historic Preservation Commission created under this Chapter.
- (c) HISTORIC DISTRICT is an area designated by the Village Board on recommendation of the commission, that contains two or more historic improvements or sites.
- (d) HISTORIC SITE means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (e) HISTORIC STRUCTURE means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the village, state or nation and which the historic structure is situated.
- (f) IMPROVEMENT means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

SEC. 10-11-3      HISTORIC PRESERVATION COMMISSION COMPOSITION

A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, if Historic Preservation available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be a village board trustee; and three (3) shall be citizen members. Each member shall have, to the highest extent possible, a known interest in historic preservation. The village president shall appoint the commissioners subject to confirmation by the Village Board.

SEC. 10-11-4      HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.

- (a) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the village such as historic structures, sites, or districts which:
  - (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - (2) Are identified with historic personages or with important events in national, state or local history; or
  - (3) Embody the distinguishing characteristics of an

- architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
- (4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or
- (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this ordinance.

SEC. 10-11-5      POWERS AND DUTIES.

- (a) Designation. The commission shall have the power, subject to Section 6, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on Section 4. Historic districts shall be approved by the Village Board. Once designated such historic structures, sites and districts shall be subject to all the provisions of this ordinance.
- (b) Regulation of Construction, Reconstruction, Alteration and Demolition.
  - (1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
  - (2) Upon filing of any application for a Certificate of Appropriateness with the commission, the commission shall approve the application unless:
    - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
    - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
    - c. In the case of any property located in a historic



district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

- d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state;
- e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of an; ' failure to maintain the property in good repair.

(3) If the commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application.

(4) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

(5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(c) Appeals. Should the commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Village Board within thirty (30) days. In addition, if the commission fails to issue a Certificate of Appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

(d) Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at village expense, a suitable plaque declaring that such property is a historic structure, site or district.

- (a) Designation of Historic Structures and Historic Sites.
  - (1) The commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section 4 above. At least ten (10) days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the village assessor, who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the property affected.
  - (2) The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the commission may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the Village Clerk, Building Inspector. Plan Commission and Village Assessor. The commission shall cause the designation or rescission to be recorded at village expense, in the County Register of Deeds office.
- (b) Creation of Historic District
  - (1) For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the village to be designated as Historic Districts and shall prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the village, after application of the criteria in Section IV above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of Preservation objectives.
  - (2) Review and Adoption Procedure.
    - a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place and purpose of the public hearing shall be sent by the village clerk to the Plan Commission and to the owners of record, as listed in the office of the village assessor, who are owners of the property within the proposed Historic District or are situated in whole

or in part within two hundred (200) feet of the boundaries of the proposed Historic District. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

- b. The Village Board. The Village Board, upon receipt of the recommendations from the Historic Preservation Commission shall hold a public hearing, notice to be given in subparagraph a. above, and shall, following the public hearing, either designate or reject the Historic District. Designation of the Historic District shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

SEC. 10-11-7      INTERIM CONTROL.

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Village Board unless such alteration, removal or demolition is authorized by formal resolution of the Village Board as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

SEC. 10-11-8      PENALTIES FOR VIOLATIONS

Any person violating any provision of this section shall be fined fifty dollars (\$50) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

SEC. 10-11-9      SEPARABILITY.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.