

**CODE OF ORDINANCES VILLAGE OF EDGAR, WISCONSIN**

**ORDAINED AND PUBLISHED BY AUTHORITY  
OF THE VILLAGE BOARD**

**1989**

# **CODE OF ORDINANCES OF THE VILLAGE OF EDGAR**

## **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 Edgar 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 Edgar.

## **VILLAGE OFFICERS**

<b>President</b>	<b>Herman A Schulz, Jr.</b>
<b>Trustees</b>	<b>George Fergot Robert Franz Harold Guenther Donald Johnson Edward Krause Patricia Urbaneck</b>
<b>Village Administrator</b>	<b>Roger Kleinstick</b>
<b>Chief of Police</b>	<b>Andy Deininger</b>

## **FORWARD**

**We are pleased to provide this new Code of Ordinances for the Village of Edgar, 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.**

**Non-textual provisions such as severability clauses, repeals and enacting clauses are I, 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.**

**Community Code Service  
Alan J. Harvey, Attorney  
3900 Vinbum Road  
DeForest, WI 53532**

## **ADOPTING ORDINANCE**

An Ordinance Adopting and Enacting a New Code of Ordinances for the Village of Edgar, 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 Edgar, 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 Edgar, 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 June 1, 1989 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 June 1, 1989 and all Ordinances of a general and permanent nature of the Village of Edgar, enacted on final passage on or before June 1, 1989 and not included in such Code or recognized and continued in force by reference therein are hereby repealed from the Code after June 1, 1989 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, except that some of the following provisions existing at the time of adoption may be amended by this re-codification:
- (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 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 appropriation ordinance or resolution;
  - (5) Any right or franchise granted by the Village Board to any person, firm or corporation;
  - (6) Any ordinance or resolution dedicating, naming, establishing, locating relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Village;
  - (7) Any ordinance or resolution establishing the prescribing of street grades of any streets in the Village;
  - (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefore;
  - (9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Village;
  - (10) Any ordinance annexing property to the Village;
  - (11) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, except that these ordinances have been amended as part of this re-codification;
  - (12) Zoning ordinances; one and two-family dwelling building code; and any other building codes except that these ordinances have been amended as part of this re-codification.
  - (13) Charter ordinances.
  - (14) The issuance of corporate bonds and notes of the Village of whatever name or description.

- (15) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (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 Administrator, preserved in loose-leaf form, or in such other form as the Village Administrator may consider most expedient. It shall be the express duty of the Village Administrator or someone authorized by the Village Administrator, 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 June 1, 1989.

Passed, Approved and Adopted by the Village Board on This 1<sup>st</sup> Day Of June, 1989 Pursuant to Section 66.035, Wis. Stats.

Attest:

\_\_\_\_\_  
Herman A. Schultz, Jr  
Village President

\_\_\_\_\_  
Roger Klienstick  
Village Administrator

# 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.
5. The Open Meeting Law also applies when members of a governing body, or committee thereof, engage in business of that body and when the number of members present is potentially sufficient to determine the governing body's course of action regarding the proposal discussed [State vs. Showers, No.85-471 (June 15, 1987)].

## 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 president 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, a 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 *f* 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 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.

## **CODE OF GENERAL ORDINANCES**

**Key to Section Numbering**

**Chapter**

**Title**

**Section**

**1-1-1**

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**Supp. 3-94**

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(References are to section numbers)

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

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

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

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

- (a) **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 principle person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Village of Edgar unless the context of the section clearly indicates otherwise.
- (c) **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.
- (d) **Fine.** The term "fine" shall be the equivalent of the word "forfeiture," and vice versa.
- (e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
- (f) **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 of such is the intent of the Ordinances.

- (g) **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.
- (h) **Officers.** The term "officers" shall refer solely to local offices created by state statute.
- (i) **Officials.** The term "officials" shall mean all Village officers and employees.
- (j) **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.
- (k) **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.
- (l) **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 referring to a plural number shall also be construed to apply to one (1) person or thing. .
- (m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (n) **Wisconsin Statutes.** The term "Wisconsin Statutes and its abbreviation as "Wis. Stats." shall mean, in these Ordinances, the Wisconsin Statutes for the year 1985-86, as amended from time to time.
- (o) **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.
- (p) **Village.** The term "Village" shall mean the Village of Edgar, Marathon County, Wisconsin.

State Law Reference: 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 Edgar, 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 Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), 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 Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) 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 VILLAGE ADMINISTRATOR 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 Administrator 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 Administrator's office shall be considered public records open to reasonable examination by any person during the office hours of the Village Administrator subject to such restrictions on examination as the Administrator imposes for the preservation of the material.

## CHAPTER 2

### Use of Citation

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1-2-6	Procedure
1-2-7	Non-exclusivity of Chapter

#### SEC. 1-2-1 METHOD OF ENFORCEMENT.

- (a) **Authority.** Pursuant to the authority of Sec. 66.119, Wis. Stats., as amended, the City of Edgar hereby elects to adopt and authorize the use of a citation to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.
- (b) **Citation.** The form of the citation is hereby prescribed as found in Sec. 66.119(1)(b), Wis. Stats., as amended, which is incorporated herein by reference.
- (c) **Schedule of Cash Deposits.** A schedule of cash deposits is established by Section 1-2-4, as amended, which is incorporated herein by reference.

#### 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 the following 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:

- (a) Building Inspector.
- (b) Fire Inspector.

#### 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, address, date of birth and physical description 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 Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 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 Sec. 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 established on the deposit schedule adopted by the Village Board, a copy of which is on file with the Village Administrator. In addition to the deposit amount listed, the deposit must include a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800.10, Wis. Stats. The Chief of Police shall be provided a copy of all bond schedules and amendments thereto.

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

Deposits shall be made in cash, money order, personal checks or certified check to the Clerk of Circuit Court. 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 NONEXCLUSIVITY 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 Election
Chapter 2	Village Board
Chapter 3	Municipal Officers and Employees
Chapter 4	Boards and Commissions
Chapter 5	Ethical Standards

### CHAPTER I

#### Village Government and Elections

2-1-1	Village Government
2-1-2	Election Poll Hours
2-1-3	Official Newspaper
2-1-4	Voter Registration

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

- (a) **Village Government Form.** The Village of Edgar 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.
- (b) **Division of Government.**
- (1) **Legislative Branch.** The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the Village.
  - (2) **Executive Branch.** The Village President shall be the chief executive officer. He shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commissions discharge their duties. When present, he shall preside at the meetings of the Village Board. He shall from time to time give the Village Board such information and recommend such measures as he may deem advantageous to the Village.
  - (3) **Administrative Officer.** The Village Administrator shall be the chief administrative officer. He shall be responsible for directing and coordinating the administration of the Village Government in accordance with policies established by the Village Board as set forth in this Code of Ordinances.

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

#### SEC. 2-1-2 ELECTION POLL HOURS.

The voting polls in the Village of Edgar, Marathon County, Wisconsin shall be opened from 9:00 a.m. to 8:00 p.m. for all elections.

#### SEC. 2-1-3 OFFICIAL NEWSPAPER.

The official Village newspaper shall be the Record-Review, to be used for the publication of legal and/or official notices and documents, when legal posting is not used instead.

**SEC. 2-1-4 VOTER REGISTRATION.**

Registration may be completed at Village polling places on election days upon presentation of proper identification and proof of residency.

## 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 Communications
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 Edgar 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 61.32 and 61.34, Wis. Stats.

#### **SEC. 2-2-2 TRUSTEES.**

- (a) **Election, Term, Number.** The Village of Edgar shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his 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: Sections 61.20 and 61.325, 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 (2) years, commencing on the third Tuesday of April in the year of his election.
- (b) **Duties.** The Village President shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, 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: Sec. 61.24, Wis. Stats.

#### **SEC.2-2-4 STANDING COMMITTEES.**

- (a) **Committee Appointments.** Standing committees of the Village are appointed by the Village President, subject to confirmation by the Village Board, and shall be composed as prescribed in Subsection (b). Each committee shall consist of at least three (3) members. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.
- (b) **Committees Established.** The following standing committees are established:
  - 1. Finance Committee.
  - 2. License/Buildings/Safety Committee.
  - 3. Street Committee.
  - 4. Sewer and Water Committee.
- (c) **President to Designate Chairpersons.**
  - (1) The President shall designate the chairperson of each standing committee. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
  - (2) All Trustees shall serve on at least one standing committee. The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
  - (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
  - (4) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them.
- (d) **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.
- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition, in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.

## 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.
- (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.

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 6630, Wis. Stats.

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

The Village Board has the power to preserve order at its meetings. 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: Sec. 61.32, Wis. Stats.

**SEC. 2-2-8 SALARIES.**

(a) 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 a per diem 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) The compensation for Village Board members and employees for 1991 shall be as follows:

(1) Full Time Employees.

- a. Police Chief \$25,000.00 year
- b. Village Administrator (Clerk- Treasurer) 24,000.00 year
- c. Water Utility Superintendent 11.25 hour
- d. Sewer Utility Superintendent 11.25 hour
- e. Street Superintendent 11.25 hour

(2) Part- Time Employees.

- a. Police Officer 6.00 -7.35 hour
- b. Hall Cleaning 5.50 hour
- c. Park Lawn Mower Operator 6.35 hour
- d. Summer Maintenance 5.00 -6.00 hour
- e. Election Officials 5.00 hour
- f. Office Assistant 5.75 hour
- g. Deputy Clerk - Treasurer 6.00 -7.00 hour

(3) Village Board Members.

- a. Village President annual salary 1,000.00 year
- b. Village Trustee annual salary 400.00 year
- c. Village Board per diem meeting compensation 30.00 meeting
- d. Village Committee per diem meeting 10.00 hour compensation

State Law Reference: Sec. 61.32, Wis. Stats.

**SEC. 2-2-9 MEETINGS.**

(a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the first Monday of each calendar month at 8:00 p.m. local time, except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held the following day, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Edgar and in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the 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.

- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting at the first regular Board meeting following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Administrator shall keep a record of all Board proceedings and cause the proceedings to be posted.

State Law Reference: Sec. 61.32, Wis. Stats.

#### **SEC. 2-2-10 SPECIAL MEETINGS.**

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Administrator at least forty-eight (48) hours prior to the time specified for such meeting. The Village Administrator shall select the day for the special meeting and 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 a minimum of twenty-four (24) hours prior to the meeting time. 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 Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Administrator shall give notice immediately upon the call for such meeting being filed with him.
- (b) In the event all of the Trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but not less than two (2) hours after the required notice is provided under Sec. 19.84(3), Wis. Stats.
- (c) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

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; ADJOURNMENT OF MEETINGS.**

- (a) **Open Meeting Law Compliance.** All meetings shall be open to the public, unless falling within a lawful exception of the Wisconsin Open Meetings Law.
- (b) **Adjournment of Meetings.** Regular sessions of the Village Board may be adjourned from time to time for later reconvening. Any regular session of the Board may be adjourned for later reconvening as many times as the Board may determine to be necessary, advisable or convenient. Said adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85, Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.
- (c) **Meetings to Be Open.** During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times be open and remain open to all citizens.
- (d) **Closed Meetings.** The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village.

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

#### **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 Village Administrator 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: Sec. 61.32, Wis. Stats.

#### **SEC. 2-2-13 PRESIDING OFFICERS.**

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In the absence of the Village President, the President Pro Tern shall preside. In case of absence of the Village President, the President Pro Tern shall call the meeting to order. The Trustees shall elect one of their number President Pro Tem at the Board's annual organizational meeting.
- (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.

State Law Reference: Sec. 61.32, Wis. Stats.

#### **SEC. 2-2-14 ORDER OF BUSINESS**

- (a) **Order of Business.** At all meetings, the following order shall 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 and approval of agenda;
  - (4) Appearances;
  - (5) Old or Unfinished business;
  - (6) New business;
  - (7) Committee reports;
  - (8) Adjourn.
- (b) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Presiding Officer 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, or bylaws submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title and may 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. Resolutions shall be in writing at the request of one Trustee; such request shall be non-debatable. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full. Resolutions may be referred to an appropriate standing committee for an advisory recommendation.

- (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 only if it appears on the written agenda for meeting at which action is requested.
  - (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Village Administrator in written form a minimum of five (5) 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 Village Administrator or other Village officer for reference to the Village Board, shall be delivered by 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.**

- (a) 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 by the Village Administrator in a book kept for that purpose and/or the Village Code of Ordinances. 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.
- (b) All ordinances shall take effect and be in force from and after passage and publications thereof, unless otherwise provided.

State Law Reference: Sections 61.32 and 61.50, Wis. Stats.

#### **SEC. 2-2-17 CONDUCT OF DELIBERATIONS.**

- (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 in excess of Ten Thousand Dollars (\$10,000.00).
  - (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 Village Administrator shall call the roll in alphabetical order, and the Village Administrator shall call the roll starting with "A" and then in 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, Revised (1984), 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 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 permission of the presiding officer as to matters which are being considered by the Board at the time-
- (4) When a question is in debate, no action shall be in order except:
  - a. To adjourn;
  - b. To lay on the table;
  - c. The previous question;
  - d. To postpone to a certain date;
  - e. To refer to a standing, select or special committee;
  - f. To amend;
  - g. To postpone indefinitely; and these several motions shall have precedence in the order in which they stand.

**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 causing such disorderly conduct.

**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 (2/3) 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 (2/3) vote of all the members of the Board.

## CHAPTER 3

### Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Village Administrator
2-3-3	Deputy Clerk - Treasurer
2-3-4	Village Attorney
2-3-5	Chief of Police
2-3-6	Fire Chief
2-3-7	Weed Commissioner
2-3-8	Assessor
2-3-9	Building Inspector
2-3-10	Eligibility for Office
2-3-11	Oaths of Office
2-3-12	Vacancies
2-3-13	Removal from Office
2-3-14	Custody of Official Property
2-3-15	Official Bonds; Officers Not to Be Sureties

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

- (a) **General Powers.** 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) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil 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 ADMINISTRATOR.

- (a) **Office of Village Administrator.** To provide the Village of Edgar with a more efficient, effective and responsible government under a government system of a part-time Village President and Village Board, there is hereby created the office of Village Administrator. The Village of Edgar, pursuant to Sec. 66.01, Wis. Stats., elects not to be bound by that portion of the Wisconsin Statutes providing for the election of the Village Clerk and Treasurer. (Charter Ordinance.)
- (b) **Appointment.** The Village Administrator shall be appointed by the President subject to confirmation by a two-thirds (2/3) vote of the Village Board. Removal from office shall require a two-thirds (2/3) vote of the members-elect. The Village Administrator shall be responsible to the



Village Board and shall be hired by the Board upon such terms and conditions, and receive such salary as is prescribed and set by the Village Board. He shall have an indefinite term of office.

(c) **Functions and Duties.** The Village Administrator shall serve as the chief administrative officer of the Village and shall be responsible to the Village President and Village Board for the daily administration of all business affairs of the Village with the powers and duties as follows:

- (1) The duties and responsibilities of the Village Administrator include directing the effective and efficient performance of all Village employees and coordinating and expediting all Village services, functions and programs. He shall exercise supervisory control over all departments and subordinate employees of the Village, unless otherwise determined by local ordinances or state statute.
- (2) The Village Administrator shall carry out all directives approved by the Village Board which require administrative implementation through the active direction and coordination of the various Village departments.
- (3) The Village Administrator shall be responsible for directing, coordinating and expediting the activities of all Village departments, except for such authority vested by Wisconsin Statutes in certain boards and commissions. They shall include making or directing such studies as are necessary to answer the most economical, efficient operation of such departments, sources and programs from the various departments when deemed necessary.
- (4) The Village Administrator shall be at all times responsible to the Village President and Village Board and shall be responsible for effectuating all actions of the same which require administrative implementation or where the Village President and Village Board has directed him to act.
- (5) The Village Administrator shall be responsible for the administration of all day-to-day operations and services provided by the Village government, including supervision of all departments in the monitoring and enforcement of all Village Ordinances, Resolutions, State Statutes and Board directives.
- (6) The Village Administrator shall establish and implement administrative procedures to increase the effectiveness and efficiency of the Village government which are fully consistent with approved policies established by the Village Board.
- (7) The Village Administrator shall 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.
- (8) The Village Administrator shall represent the Village in matters involving legislative and intergovernmental affairs as required.
- (9) The Village Administrator shall submit as deemed necessary recommendations or suggestions for improving the health, safety or welfare of the Village and shall institute and operate a system whereby Village departments, as well as persons having business with the Village President and/or Village Board or any Village department, may properly and efficiently conduct such business.
- (10) The Village Administrator shall establish and maintain procedures to facilitate communication between citizens and Village government to assure that complaints, grievances, recommendations and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.
- (11) The Village Administrator shall promote the economic well-being and growth of the Village through public and private sector cooperation.
- (12) The Village Administrator shall keep the Village President and Village Board informed about activities of the Village departments through oral or written reports.
- (13) The Village Administrator shall serve as the Village's Personnel Officer which shall include the development, implementation, interpretation and enforcement of the Village Personnel Rules and Regulations as approved by the Village Board. This includes recommending revisions to Village personnel policies when necessary. In addition, the Administrator shall recommend salary and wage scales for all Village employees not

covered by collective bargaining agreements and direct and oversee the process where personnel problems and/or grievances are promptly resolved.

- (14) The Village Administrator shall direct and oversee the Village's Purchasing Policy as approved by the Village Board.
- (15) The Village Administrator shall administer the payroll and maintain accurate and complete Official employment records for all Village employees.
- (16) The Village Administrator shall serve as Village Treasurer, and be responsible for the duties of the Treasurer as set forth in Section 61.26, Wis. Stats., and administer the receipts, deposits and appropriate investment of all moneys received by the Village, and may draw and countersign all orders on the Village treasury.
- (17) The Village Administrator shall serve as Village Clerk and shall be responsible for the duties of the Clerk as set forth in Sec. 61.25, Wis. Stats., and Village Ordinances.
- (18) The Village Administrator shall represent the Village's interest in maintaining good inter-governmental relationships with neighboring villages, counties and schools.
- (19) The Village Administrator shall coordinate and prepare an annual budget with the Finance Committee for submission to the Village Board, coordinating all personnel management activities.
- (20) The Village Administrator shall take minutes of all Village Board and committee meetings insuring minutes are published, posted and distributed to the respective parties.

State Law Reference: Sections 19.01, 61.25, 61.26, 66.01, 70.49 and 73.02, Wis. ~ Stats.

#### **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 Village Administrator's direction and, during the temporary absence or disability of the Village Administrator or during a vacancy in such office, shall perform the duties of Village Administrator. The acts of the Deputy shall be covered by official bond as the Village Board shall direct.

State Law Reference: Sec. 61.261, Wis. Stats.

#### **SEC. 2-3-4 VILLAGE ATTORNEY.**

- (a) **Appointment.** The Village Attorney is an appointed position. The Village President shall at the organizational meeting in April appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
  - (1) The Village Attorney shall conduct all of the legal 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 a majority vote of the members of the Village Board for an indefinite term, subject to removal by a two-thirds (2/3) vote of the members of the Board, pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a vacancy, the ranking officer shall temporarily replace the Chief until the vacancy is filled by the Village Board.
- (2) The compensation to be paid the Chief of Police for his services, the hours of active duty, rest days, vacation periods and other involvement of his 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 the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or designated committee.
- (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 person charged with crime.

State Law Reference: Sec. 61.65(1)(am), Wis. Stats.

**SEC. 2-3-6 FIRE CHIEF.**

(a) **Appointment.** The Fire Chief shall be appointed pursuant to the bylaws of the Edgar Fire Department.

(b) **Powers and Duties of Chief.**

- (1) The Chief shall have general supervision of the Department, subject to the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
- (2) 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.

Cross Reference: Title 3, Chapter 2.

**SEC. 2-3-7 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 appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Administrator and shall hold office for one (1) 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. 2-3-8 ASSESSOR**

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and 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 majority 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 a corporation or independent contractor unless he 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 Assessor shall have an indefinite term of office, subject to removal under Sec. 17.14(1), Wis. Stats.

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

**SEC. 2-3-9 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. The Building Inspector shall be fully certified by the State of Wisconsin to enforce the one (1) and two (2) family dwelling code. There may also be a Deputy Building Inspector, as authorized by the Village Board.
  - (2) During temporary absence or disability of the Building Inspector, the Deputy Building Inspector 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 have the power to order all work stopped on construction, alteration or repair of buildings 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 Building Inspector.
- (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. 2-3-10 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 ( 1 ) year thereafter.

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

#### **SEC.2-3-11 OATHS OF OFFICE.**

- (a) **Requirement.** Within five (5) days after the election or appointment of any Village officers, the Village Administrator shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, and Administrator 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, Subchapter I, Wis. Stats.

State Law Reference: Ch. 19, Subch. I, Wis. Stats.

#### **SEC.2-3-12 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: Sec. 61.23, Wis. Stats.

#### **SEC. 2-3-13 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 Sections 17.2(1)(c) and 17.16, Wis. Stats.

Annotation: 62 Atty. Gen. Op. 97.

#### **SEC.2-3-14 CUSTODY OF OFFICIAL PROPERTY.**

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

State Law Reference: Sec. 19.21, Wis. Stats.

#### **SEC.2-3-15 OFFICIAL BONDS; OFFICERS NOT TO BE SURETIES.**

Every officer shall, if required by law or the Village Board, upon entering upon the duties of his office, give a bond in such amount as may be determined by the Village Board with such sureties as are approved by the Village President, conditioned upon the faithful performance of the duties of his office. Official bonds shall be filed with the office of the Village Administrator. Any person re-elected or re-appointed to the same office shall take and file an official bond for each term of service.

State Law Reference: Sec. 61.22, Wis. Stats.

## CHAPTER 4

### Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
2-4-3	Park Commission
2-4-4	Planning Commission
2-4-5	General Provisions Regarding Meetings and Public Notice
2-4-6	Residency Required for Service on Boards and Commissions; Attendance Standards

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

- (a) **Composition.** The Board of Review shall consist of the Village President and the Trustees of the Village Board.
- (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 Village Board at the organizational meeting in April.
- (c) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a. 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 ZONING BOARD OF APPEALS.

- (a) **Establishment.** A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) Citizen members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall serve with compensation as determined by the Village Board 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.
- (c) **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 any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.
  - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain 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. The Zoning Board of Appeals shall not grant use variances in ; floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance, Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

- (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 three members or 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 requirements 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.**

- (1) All meetings and hearings of the Zoning Board of Appeals shall be open to the public, except that the Board may go into executive session to deliberate after a hearing or an appeal. The final vote on an appeal shall be taken in open session by roll call vote, recorded and open for public inspection in the Board's office. Public notice of all regular and special meetings shall be given to the public and news media as required by the Wisconsin Open Meeting Law.
- (2) Regular meetings shall be held at the call of the Chairman.
- (3) Special meetings may be called by the Chairman or by the Secretary at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
- (4) Hearings may be held at any regular or special meeting at the time set by the Chairman.
- (5) A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (6) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or falling 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 Village Administrator and shall be public record. The Board shall adopt its own rules of procedure not in conflict with this Code of Ordinances or with the applicable Wisconsin Statutes.
- (7) No Board member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chairman shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in deter-

(d) **Offices.** The Village Board shall provide suitable offices for holding hearings and the presentation of records, documents, and accounts.

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

**SEC. 2-4-3 PARK COMMISSION.**

- (a) **Appointments.** The Park Commission shall consist of the following members: two (2) Trustees and a minimum of five (5) citizens of recognized experience and qualifications. The Village Board may increase, at its discretion, the number of Citizen members up to a total of seven (7). The Trustee shall be appointed annually by the Village President subject to confirmation by the Board for one (1) year terms beginning on the third Tuesday of April. Each citizen member shall be appointed by the Village President subject to confirmation by the Village Board for a three (3) year term commencing on the third Tuesday of April.
- (b) **Compensation; Oath.** Commission members shall receive such compensation as shall be determined by the Village Board from time to time. Members shall take an official oath as prescribed by Sec. 19.01, Wis. Stats., to be filed with the Village Administrator.
- (c) **Officers.** The Commission shall annually elect one ( 1) member as Chairman.
- (d) **Procedure.** A majority of members present shall constitute a quorum. The Chairman, or Acting Chairman, shall be considered in determining a quorum. Action shall be by a majority of those present and voting. The Commission shall adopt rules of procedure for governing the conduct of its meetings.
- (e) **Powers and Duties.** The Commission shall have all the powers conferred by law upon park and recreational commissions in cities of the fourth class and shall be chargeable with all the duties so required such as recommend, oversee work and oversee funds of all parks, playgrounds and recreational activities as part of properties within the Village. The Park Commission is specifically empowered and directed:
  - (1) To govern, manage, control, improve and care for all public parks located within, or partly within and partly without, the corporate limits of the Village and secure the quiet, orderly and suitable use and enjoyment thereof by the people, also to adopt rules and regulations to promote these purposes. .
  - (2) To acquire in the name of the Village for park purposes by gift, purchase, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any incorporeal right or privilege, provided gifts to the Village of money or other property, real or personal, either absolutely or in trust, for park purposes shall be accepted only after they have been recommended by the Commission to the Village Board and approved by said Village Board by resolution.
  - (3) With prior Board approval, to buy or lease ands in the name of the Village for park purposes Within or Without the Village and With the approval of the Village Board to sell or exchange property no longer required for its purposes.
  - (4) To execute every trust imposed upon the use of property or property rights by the deed, testament or other conveyance transferring the title of such property to the Village for park purposes.
  - (5) To have the powers necessary and convenient for the effective and efficient management, control, supervision and operation of the Village park system and recreation program, subject to budgetary approval by the Village Board.
  - (6) To have jurisdiction of the parks, swimming pool and playgrounds throughout the Village and assume full responsibility for the equipping, developing and maintaining the physical facilities of the park system.
  - (7) To establish such non-ordinance administrative regulations to promote " suitable use of the Village parks and playgrounds as the Commission shall deem necessary.
  - (8) And such other and further duties as may be necessary for the proper carrying out of the purposes of said Commission.
- (f) **Record.** The Park Commission shall keep a written record of Its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator.
- (g) **Finance.**
  - (1) **Budget.** The Commission shall prepare an annual budget for submission to the Village Administrator, which budget shall reflect the Commission's recommendations as to



maintenance or acquisition of Village parks, open spaces, park and related facilities, recreation programs and equipment, summer or seasonal employees, etc. Said annual budget shall contain estimates as to revenues to be derived from recreation programs or activities as well as estimated expenditures for operating the park system. The Village Administrator shall review the budget and submit a recommended budget to the Finance Committee.

- (2) Deposits. All revenues and income from the operation of park and recreation programs shall be deposited with the Village Administrator as general revenue of the Village.
- (3) Monetary Contributions. All moneys donated to the Village specifically for park or recreation use shall be deposited in Village accounts as a non-lapsing fund or reserve for such specific use.

#### **SEC. 2-4-4 PLAN COMMISSION.**

- (a) **Composition.** The Village Plan Commission shall consist of nine (9) members who shall be the following: The Village President, two Village Trustees, the Chair of the Park Commission and five (5) citizen members. The presiding officer shall be selected by the Commission annually at its May meeting.
- (b) **Appointment.**
  - (1) Trustee Members. The Trustee members shall be annually appointed by two-thirds vote at the organizational meeting of the Village Board.
  - (2) Park Commission Chair. Whomever is selected as the Chair of the Village of Edgar Park Commission shall also be a member of the Plan Commission.
  - (3) Citizen Members.
    - a. The five citizen members shall be appointed by the Village President for staggered terms of two years, subject to Village Board approval.
    - b. All citizen members shall be persons of recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. Whenever a vacancy shall occur in any citizen member, a successor shall be appointed for the unexpired term in the manner as set forth above.
- (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 Administrator. Five members shall constitute a quorum but all action 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 may make, adopt and as necessary, amend, extend or add to the master plan/zoning guidelines, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which in the Plan Commission's judgments, bear relation to the development of the Village. The master plan/zoning guidelines, 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/zoning guidelines 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 master plan/zoning guidelines. The adoption of the master plan/zoning guidelines 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 omission to form the whole or any part of the master plan/zoning guidelines, and the action taken shall be recorded on the adopted master plan/zoning guidelines or part thereof by the identifying signature of the secretary of the Commission, and a copy of the master plan/zoning guidelines or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan/zoning guidelines 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 way, 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, to vacation camps for children; and the amendment or repeal of any land use ordinance.

- (1) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, 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 examination 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, zoning, land division issues and land development, in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1-1/2) miles of the limits of the Village. All plats or re-plats of any lands within the limits of the Village or any land outside the Village and within one and one half (1-1/2) miles of the limits of the Village shall be submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.

- (e) **Compensation/Oath**. Compensation maybe established by the Village Board for service on the Commission. Citizen members shall take the official oath required by Sec. 19.01, Wis. Stats., which shall be field with the Village Administrator.

- (f) **Organization.** As soon as all members of the first Commission shall have been appointed, the Village Administrator shall give each member a written notice of appointment and thereon shall fix the time and place of the first meeting which shall be not less than five (5) nor more than ten (10) days thereafter. Such omission shall elect a vice-chairman and a secretary, and shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator.
- (g) **Rules of Procedure; Report.** The Plan Commission is hereby authorized to adopt rules governing its own proceedings. The Commission shall make a monthly report in writing to the Village Board of its transactions and expenditures, if any, for the preceding month, with such general recommendations as to matters covered by its prescribed duties and authority as seen proper.

State Law Reference: Sections 61.35, 62.23 and Chapter 236, Wis. Stats.

#### **SEC. 2-4-5 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 shall:
  - (2) Schedule a date, time and place for its meetings;
  - (2) Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
  - (3) Post, at the front door of the Municipal Building, 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 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 and 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 Administrator.

#### **SEC. 2-4-6 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS; ATTENDANCE STANDARDS.**

- (a) **Residency.** No person not a resident of and not residing in the Village shall be appointed in a voting capacity to any Village Board committee or commission. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.
- (b) **Attendance Standard.** Members of Board committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

# CHAPTER 5

## Ethical Standards

2-5-1	Definitions
2-5-2	Declaration of Policy
2-5-3	Statutory Standards of Conduct
2-5-4	Specific Conflicts of Interest

### SEC. 2-5-1 DEFINITIONS.

- (a) **Public Officer.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board, whether paid or unpaid.
- (b) **Public Employee.** Means any person excluded from the definition of a public officer who is employed by the Village.

### SEC. 2-5-2 DECLARATION OF POLICY.

It is declared that high ethical standards among Village officers and employees are essential to the conduct of good representative government and that a code of ethics for the guidance of public officers and employees will help them avoid conflicts with improved standards of public service and will promote and strengthen the confidence of the residents of the Village in their public officers and employees. The purpose of this Chapter is to establish guidelines for ethical standards of conduct for all such Village officers and employees by setting forth those acts or actions that are incompatible with the public interest and which compromise, or appear to compromise, public trust in the fairness, independence and integrity of Village officers and employees and their official actions.

### SEC. 2-5-3 STATUTORY STANDARDS OF CONDUCT.

The provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Chapter and shall apply to all public officers and public employees whenever applicable, to wit:

- (a) Section 946.10. Bribery of Public Officers and Employees.
- (b) Section 946.11. Special Privileges from Public Utilities.
- (c) Section 946.12. Misconduct in Public Office.
- (d) Section 946.13. Private Interest in Public Contract Prohibited.

### SEC. 2-5-4 SPECIFIC CONFLICTS OF INTEREST.

- (a) **Use of Public Property.** No public officer or employee shall use or permit the use of Village vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such officer or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Conflicts of Interest; Disclosure of Interest.** Except as provided herein, no public officer or public employee shall engage in any business transaction with the Village, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his

official duties or will tend to impair his independence or judgment or action in the performance of his official duties. Any public officer or employee who has a substantial financial interest, including employment, in any business entity entering into, proposing to enter into or bidding on any transaction with the Village, or as part of his official duties will be making an official decision or recommendation significantly affecting a business competitor, client or regular customer, shall disclose such interest to the membership of the Village Board (or committee, board or commission thereof, as appropriate) to be recorded in the minutes of that body. Upon such disclosure, it is advised that the public officer or employee abstain from voting on the matter and from participating in the discussion of the matter.

- (c) **Representing Private Interests Before the Village Board or Village Agencies.** No public officer or employee, including persons or firms engaged to provide professional services to the Village, shall represent, for compensation, private interests before the Village Board or any village board, commission or committee without disclosure of the private business relationship and explicit consent of the Village Board.
- (d) **Disclosure of Confidential Information.** No public officer or employee shall, without proper authorization of the Village Board, 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.
- (e) **Gifts and Favors.** No public officer or employee shall accept anything of value whether in the form of a gift, service loan or promise from any person, who, to his knowledge, has a direct financial interest in any transaction or official business with the Village, which may tend to impair his independence of judgment or action in the performance of his official duties. However, it is not a conflict of interest for any public officer or employee to receive a gift of gratuity that is an unsolicited item of nominal intrinsic value, such as a meal up to Ten Dollars (\$10.00) in value.
- (f) **Outside Employment.** No full-time officer of the Village shall engage in any other remunerative employment within or without the Village; provided that the Village Board may approve such outside employment or activity if it finds that it does not interfere or conflict with such ability of the officer or employee to perform his duties in an efficient and unbiased manner.
- (g) **Advisory Opinion.** Any questions as to the interpretation of any provisions of this Ethical Standards Chapter shall be referred to the Village Attorney for an advisory opinion.

## **TITLE 3**

### Finance and Public Records

Chapter 1	Finance
Chapter 2	Special Assessments
Chapter 3	Public Records
Chapter 4	Disposal of Lost, Abandoned and Surplus Property

### **CHAPTER 1**

#### Finance

3-1-1	Preparation of Tax Roll and Tax Receipts
3-1-2	Duplicate Treasurer's Bond Eliminated
3-1-3	Village Budget
3-1-4	Changes in Budget
3-1-5	Village Funds to Be Spent in Accordance with Appropriation
3-1-6	Fiscal Year
3-1-7	Public Depositories
3-1-8	Claims Against Village
3-1-9	Temporary Investment of Funds Not Immediately Needed
3-1-10	Receiving Money; Receipt for Same
3-1-11	Statement of Real Property Status
3-1-12	Bidding Procedures
3-1-13	Bid Solicitation Procedures

#### **SEC. 3-1-1 PREPARATION OF TAX ROLL AND TAX RECEIPTS.**

Pursuant to Sec. 70.65(2), Wis. Stats., the Village Administrator shall, in computing the tax roll, insert only the aggregate amount of state, county, school and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied, or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

State Law Reference: Sections 70.65 and 74.08, Wis. Stats.

#### **SEC. 3-1-2 DUPLICATE TREASURER'S BOND ELIMINATED.**

- (a) **Bond Eliminated.** The Village of Edgar elects not to give the bond on the Village Administrator, acting in his capacity as Treasurer, as 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 Village Administrator, acting in his capacity as Treasurer, shall fail to do so, all state and county taxes required by law to be paid by such Village Administrator to the County Treasurer .

State Law Reference: Sec. 70.67, Wis. Stats.

#### **SEC. 3-1-3 VILLAGE BUDGET.**

- (a) **Departmental Estimates.** When requested by the Finance Committee and Village Administrator, each officer, department and committee shall annually file with the Village Administrator 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 Finance Committee and Village Administrator and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.

- (b) **Consideration of estimates.** The Finance Committee, with the assistance of the Village Administrator, shall consider such departmental estimates in consultation with the department head, and recommend to the Village Board a budget amount for such department or activity. The Finance Committee and Village Administrator shall consider the budget recommendations submitted in developing a proposed budget for submission to the Village Board.
- (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 Administrator shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the Village Administrator during regular office hours.
- (e) **Report and Hearing.**
- (1) The Finance Committee shall make a budget report to the Village Board no later than October 20th. The report 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 .
  - (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 holding the public hearing thereon, shall be published in a newspaper of general circulation in the Village or legally posted at least fifteen (15) days prior to the time of such public hearing.
  - (3) Not less than fifteen (15) 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.

**SEC. 3-1-4 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, or President Pro Tem in his absence, and upon a two-thirds (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. 3-1-5 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 3-1-4 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 re-appropriation; 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. 3-1-6 FISCAL YEAR.**

The calendar year shall be the fiscal year .

State Law Reference: Sec. 61.51(3), Wis. Stats.

**SEC. 3-1-7 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, Village officials and bondsman shall not be liable for such losses as are defined by state law. The interest arising therefrom shall be paid into the Village treasury. A copy of the resolution designating public depositories shall be filed annually 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: Sec. 62.12(7), Wis. Stats.

**SEC. 3-1-8 CLAIMS AGAINST VILLAGE.**

- (a) **Claims Certified.** Prior to payment of any account, demand or claim, the Village Administrator shall certify that the following conditions have been complied with:
  - (1) That funds are available therefor 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) **Village Administrator to Audit Accounts.**
  - (1) No discretionary account or demand against the Village shall be paid until it has been reviewed by the Village Administrator. Every such account shall be itemized and certified as provided in Subsection (a).
  - (2) The Village Administrator shall endorse, on each account, his approval, as the fact is, adding the amount allowed or specifying the items or parts of items disallowed. All money paid out of the Village treasury shall be paid upon an order signed by the Village President or President Pro Tem and countersigned by the



Village Administrator, except the payments of regular wages or salaries shall be as provided in Subsection (c) below. Such payments may be made prior to the Village Board accepting the Administrator's financial report.

(3) The Village Administrator shall file with the Village Board, at its regular monthly meetings, a monthly financial report of claims showing the date paid, name of claimant, purpose, and amount.

(c) **Payment of Regular Wages and Nondiscretionary Claims.** 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 Administrator in time for payment on the regular pay day. Nondiscretionary, routine claims (utility statements, insurance, etc.) may be paid by the Village Administrator without following the procedures of Subsections (a) and (b) above.

State Law Reference: Sec. 61.51, Wis. Stats.

#### **SEC. 3-1-9 TEMPORARY INVESTMENT OF FUNDS NOT IMMEDIATELY NEEDED.**

The Village Administrator 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 219.05, Wis. Stats.

#### **SEC. 3-1-10 RECEIVING MONEY; RECEIPT FOR SAME.**

(a) The Village Administrator and his 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 they may then be serving, without giving a receipt therefor in the manner specified by the Village Board.

(b) Upon the payment of any money (except for taxes as herein provided), the village Administrator or his deputies shall make out a receipt in duplicate for the money so received. Such Village official 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, to the Village or to the Village Administrator shall be safeguarded in such manner as the Village Board shall direct.

State Law Reference: Sec. 66.113, Wis. Stats.

#### **SEC. 3-1-11 STATEMENT OF REAL PROPERTY STATUS.**

The Village Administrator and his designees are 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, floodplain 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. Requests for Statements of Real Property Status shall be made to the Village Administrator a minimum of one (1) business day in advance. A fee of Five Dollars (\$5.00) shall be charged for compiling this information.

#### **SEC. 3-1-12 BIDDING PROCEDURES.**

(a) **Adoption of City Bidding Procedures.** Pursuant to Sec. 61.56, Wis. Stats., the Village does hereby provide that as a complete alternative to the requirements of Sections 61.54 and 61.55 of the Wisconsin Statutes and in lieu thereof, that the provisions of Sec. 62.15,

Wis. Stats., shall be applicable to all Village contracts for public construction over Ten Thousand Dollars (\$10,000.00). The authority vested in the Board of Public Works by Sec. 62.15 of the Wisconsin Statutes shall be exercised by the Village Board or by a committee designated by the Village Board.

- (b) **Construction by the Village.** Any class of public construction may be done directly by the Village without submitting the same for bids provided that the same is authorized by a vote of three-fourths (3/4) of all members of the Village Board.

State Law Reference: Sections 61.54,61.55 and 62.15, Wis. Stats.

### **SEC. 3-1-13 BID SOLICITATION PROCEDURES.**

- (a) Definitions.

- (1) Verbal Quotation Form. The Village solicits verbal quotations on items the Village purchases, which are Ten Thousand Dollars (\$10,000.00) or less. The results of the verbal quotations are recorded on a memorandum of verbal quotation form.
- (2) Informal Quotation. An informal quotation is a written request for quotation sent to vendors. The informal quotation is used for the purchase of goods and services in an amount Ten Thousand Dollars (\$10,000.00) or less.
- (3) Formal Bid. The formal bid procedure is used for purchasing goods and (services in an amount over Ten Thousand Dollars (\$10,000.00), and in some instances in amounts less than this amount. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

- (b) **Bid Solicitation.**

- (1) Competitive bids or quotations shall be obtained before contracting to purchase articles, goods, wares, material services or merchandise which amount in bulk to more than One Thousand Dollars (\$1,000.00). Purchases up to One Thousand Dollars (\$1,000.00) may be made by either telephone quotations, informal written quotations or formal bid. Purchases from One Thousand Dollars (\$1,000.00) to and including Ten Thousand Dollars (\$10,000.00) shall be made by written quotation, telephone quotation or formal bid. Purchases over Ten Thousand Dollars (\$10,000.00), pursuant to Subsection (a) above, shall be made by formal bid unless exempted from it by action of the Village Board.
- (2) Verbal quotations for goods and services shall be secured from at least two (2) qualified vendors and the results of the quotations shall be recorded on the "Memorandum of Verbal Quotation" form and signed by the person receiving the quotations.
- (3) Informal requests for written quotations shall be solicited from at least three (3) qualified bidders on the request for quotation form. All written requests for quotations shall be issued by the Village Administrator and returned to and analyzed by the Village Administrator. Informal requests for written quotations may also be solicited by telephone. Vendors shall be given a reasonable time to respond to the request for an informal, written quotation and shall be given clear, concise specifications and informal bidding instructions to facilitate competitive bidding.
- (4) When a formal bid is required or deemed to be in the best interests of the Village, the bidding procedure shall follow the legal requirements associated with a Class One notice under State Statute and the procedures normally associated with the formal bid proposal.
- (5) The formal bid proposal will contain at least the following information:
  - a. The bid number.
  - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one (1) vendor can meet the specifications.

- c. The time, date and place the bids will be opened.
  - d. The address to which the bids shall be mailed or delivered. Instructions to bidders shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposal, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal consideration, tax information, and other appropriate information regarding the awarding and execution of the contract and contract considerations.
  - e. The bid proposal shall also include a section on special provisions including guarantees and service considerations, trade in considerations, and other information relating to special conditions.
- (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the Village Administrator shall insure that the specifications are sufficiently broad enough that competition in the bidding process is preserved.
- (c) **Blanket Purchase Orders.**
- (1) Upon authorization by the Village Board, the Village Administrator may issue blanket purchase orders to those few merchants from whom many repetitive purchases are made as supplies are required.
  - (2) The Village Board shall determine the need to use a blanket purchase order procedure.
  - (3) The bidding procedure for blanket purchase orders may follow the procedures used for other goods and services.
  - (4) After a vendor has been selected, the using department or departments shall use the same purchase order number on all purchases made under the blanket purchase order. The Village Board shall authorize the individual or individuals who shall have the authority to sign for purchases under the blanket purchase order procedure.

## CHAPTER 2

### Special Assessments

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

#### **SEC. 3-2-1 VILLAGE BOARD MAY LEVY SPECIAL ASSESSMENTS.**

- (a) The Village of Edgar, 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 therefrom, 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: Sec. 66.62, Wis. Stats.

#### **SEC. 3-2-2 RESOLUTIONS 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 3-2-5 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 Administrator 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. 3-2-3 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. 3-2-4 EXEMPTIONS; DEDUCTIONS.**

- (a) If any property deemed benefited shall by reason of any provision of law be exempt from assessment therefor, 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. The Village Board may allow a similar deduction or exemption from special assessments levied for any other public improvement.

**SEC. 3-2-5 NOTICE OF PROPOSED OR APPROVED PROJECT.**

On the completion and filing of the report required in Section 3-2-2(b)(5) of this Chapter, the Village Administrator 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 inspect 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. 3-2-6 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 Administrator shall publish the final resolutions as required in Section 3-2-5 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), Wis. Stats., or any other applicable provision of law.

**SEC. 3-2-7 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 anyone or more of said improvements.

**SEC. 3-2-8 BOARD'S POWER TO AMEND, CANCEL OR CONFIRM SPECIAL ASSESSMENT .**

If after completion or after the receipt of binds, 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 3-2-5 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Administrator as provided in Section 3-2-6 of this Chapter .

**SEC. 3-2-9 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. 3-2-10 APPEALED ASSESMENTS PAYABLE WHEN DUE.**

Pursuant to Subsection (12)(f) of Sec. 66.60. Wis. Stats.. 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. 3-2-11 SPECIAL ASSESSMENT A LIEN ON PROPERTY.**

Pursuant to Subsection (13) of Sec. 66.60. Wis. Stats., 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. 3-2-12 SPECIAL CHARGES PERMISSABLE.**

- (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 alien as provided in Section 3-2-11 of this Chapter. (c) Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

State Law Reference: Sec. 66.60(16). Wis. Stats.

**SEC. 3-2-13 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 benefited 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 Chapter that the Village may levy special assessments for work or improvement against the property benefited either before or after the approval of the work plans and specifications, contracting for the work or completing the work or improvement.

## CHAPTER 3

### Public Records

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

#### **SEC. 3-3-1 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 3-3-3 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) "Direct Cost" means the actual cost of personnel plus all expenses for paper, copier time, depreciation and supplies.
- (e) "Actual Cost" means the total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

#### **SEC. 3-3-2 DUTY TO MAINTAIN RECORDS.**

- (a) Except as provided under Section 3-3-7, 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 Administrator. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Village Administrator, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

**SEC. 3-3-3 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 the Village Administrator to act as the legal custodian.
- (b) Unless provided in Subsection (c), the Village Administrator or the Village Administrator'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>
Village Assessor's Office	Village Assessor
General Village Records (including Board Records)	Village Administrator
Village Financial Information	Village Administrator
Building Inspector's Office	Village 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 in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Village Administrator.
- (e) The Village Administrator shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

**SEC. 3-3-4 PUBLIC ACCESS TO RECORDS.**

- (a) Except as provided in Section 3-3-6 any person has a right to inspect a record and to make or receive a copy of any record of 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 forty-eight (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.
- (f) A requester shall be charged a fee of twenty cents (20¢) to defray the cost of copying records.
  - (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
  - (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- and video- tapes, shall be charged.
  - (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
  - (4) There shall be no charge for locating a record unless the actual cost therefor exceeds Fifty Dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
  - (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, If such estimate exceeds Five Dollars (\$5.00).
  - (6) 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.
  - (7) 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. This Subsection does not apply to members of the Village Board.

**SEC. 3-3-5 ACCESS PROCEDURE.**

- (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 3-3-4(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 therefor. 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 3-3-6. 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. 3-3-6 LIMITATIONS ON RIGHT TO ACCESS.**

- (a) As provided in 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 and files, although the material used as input for a computer program/file 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 un-patented, 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 requested 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 nondisclosure.
  - (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 nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

### **SEC. 3-3-7 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 (7) 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) Canceled 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 (7) 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 not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.
- (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 (7) 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, providing the text of the same appears in the official Village minutes.
- (d) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.
  - (e) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.
  - (f) 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 posted/published, if the purpose of the recording was to make minutes of the meeting.

**SEC. 3-3-8 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 Administrator, 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. 16.61(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 Sections 3-3-4 through 3-3-6 of this Chapter.

## CHAPTER 4

### Disposal of Lost, Abandoned and Surplus Property

3-4-1 Disposal of Surplus Village Property

3-4-2 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 Edgar and which has no further usefulness to the Village. 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 building 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 Dollars (\$5,000.00), 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 Dollars (\$500.00) 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 city

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 Dollars (\$500.00) 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.

#### **SEC. 3-4-2 LOST AND ABANDONED 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 Chief of Police by citizens shall be disposed of according to this Section.
  - (2) Lost and abandoned property will be examined by the Chief of Police for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Chief of Police to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be taken into custody by the Chief of Police.
  - (3) No Village employee 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 Chief of Police shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
  - (5) No Village employee shall receive any lost, stolen, abandoned or other unclaimed property from the Chief of Police, unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain with the Village Administrator.
- (b) **Disposal Procedures.**
- (1) Classes of Property. All property which has been abandoned, lost or remain 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.

- 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, after consulting with the County Sheriff's Department, 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 Dollars (\$100.00) or less: An item of property with a fair market value of One Hundred Dollars (\$100.00) or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of less than One Hundred Dollars (\$100.00) shall be destroyed.
  - e. Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00): An item of Property with a fair market value of more than One Hundred Dollars (\$100.00) 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 or 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 Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section 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 Treasurer. All sums received from the sale of property under this Section shall be paid to the Village Treasury.

State Law Reference: Sec. 66.28, Wis. Stats.



## TITLE 4

### Administrative Review Procedures

#### Chapter 1 Review of Administrative Determinations

### CHAPTER I

#### Review of Administrative Determinations

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

#### **SEC. 4-1-1 REVIEW OF ADMINISTRATIVE DETERMINATIONS.**

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village of Edgar 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: Sec. 68.01, Wis. Stats.

#### **SEC. 4-1-2 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 4-1-3(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 4-1-3(b) and (g).

State Law Reference: Sec. 68.02, Wis. Stats.

#### **SEC. 4-1-3 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 or intoxicating liquor 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: Sec. 68.03, Wis. Stats.

**SEC. 4-1-4 MUNICIPAL AUTHORITY DEFINED.**

"Municipal authority" includes the Village Board, commission, committee, agency, officer, employee or agent of the Village making a determination under Section 4-1-1, and every person, committee or agency of the Village to make an independent review under Section 4-1-8(b).

State Law Reference: Sec. 68.05, Wis. Stats.

**SEC. 4-1-5 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. 4-1-6 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 officer or person to whom a request for review shall be addressed.

State Law Reference: Sec. 68.07, Wis. Stats.

**SEC. 4-1-7 REQUEST FOR REVIEW OF DETERMINATION.**

Any person allegedly 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 allegedly 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: Sec. 68.08, Wis. Stats.

**SEC. 4-1-8 REVIEW OF DETERMINATION.**

- (a) Initial Determination. If a request for review is made under Section 4-1-7, 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 fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person allegedly 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) Decisions 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: Sec. 68.09, Wis. Stats

**SEC. 4-1-9 ADMINISTRATIVE APPEAL**

- (a) From Initial Determination or Decision on Review.
  - (1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 4-1-12.
  - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.
- (b) Time With Which Appeal May Be Taken. Appeal from a decision on review under Section 4-1-8 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: Sec. 68.10, Wis. Stats.

**SEC. 4-1-10 HEARING OF ADMINISIRATIVE APPEAL**

- (a) Time of Hearing. The Village shall provide the appellant a hearing on an appeal under Section 4-1-9 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: Sec. 68.11, Wis. Stats.

#### **SEC. 4-1-11 FINAL DETERMINATION.**

- (a) Within twenty (20) days of completion of the hearing conducted under Section 4-1-10 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 4-1-10 or a decision on review under Section 4-1-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 4-1-12.

State Law Reference: Sec. 68.12, Wis. Stats.

#### **SEC. 4-1-12 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 indigence 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: Sec. 68.13, Wis. Stats.

#### **SEC. 4-1-13 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, commissions, committee or agency shall be made part of the record on review under Section 4-1-12.
- (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 4-1-10.

State Law Reference: Sec. 68.14, Wis. Stats.

## TITLE 5

### Public Safety

Chapter 1	Law Enforcement
Chapter 2	Fire Department
Chapter 3	Fire Prevention Code; Hazardous Materials
Chapter 4	Regulation of Private Alarm Systems
Chapter 5	Emergency Government

### CHAPTER 1

#### Law Enforcement

5-1-1	Organization of Police Department
5-1-2	Records and Reports
5-1-3	General Powers of Police Officers
5-1-4	Responsibilities of Chief of Police
5-1-5	Rules and Policies for the Police Department
5-1-6	Maintenance of Personnel Records and Performance Evaluations
5-1-7	Hearing Authorities for Suspension or Removal of Law Enforcement Officers
5-1-8	Police Chiefs Responsibility for Training
5-1-9	Civilians to Assist

#### SEC. 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.

- (a) **Composition.** The Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes and Village ordinances.
- (b) **Salary; Collection of Fees.** The Chief of Police and the police officers shall receive a salary as fixed by the Village Board. All fees, bail deposits and other special remuneration or funds collected or received by the Police Department or any officer thereof shall be deposited with the Village Administrator not later than the second business day following the receipt thereof.
- (c) **Tenure of Chief, Police Officers.** The Chief of Police and police officers shall serve at the pleasure of the Village Board, subject to the provisions of Section 5-1-7.

#### SEC. 5-1-2 RECORDS AND REPORTS.

- (a) **Monthly Reports.** The Chief of Police shall submit a monthly general report to the Village Board of all activities 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. 5-1-3 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.

- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the Village.
- (e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

**SEC. 5-1-4 RESPONSIBILITY OF CHIEF OF POLICE.**

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
  - (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board and appropriate designated committees thereof.
  - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
  - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
  - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
  - (5) Plan, organize, staff, direct, and control, in cooperation with the Village Administrator and Village Board, all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (6) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
  - (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenses, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible Custody of Department Property. for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

**SEC. 5-1-5 RULES AND POLICIES FOR THE POLICE DEPARTMENT.**

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

**SEC. 5-1-6 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. Such personnel records shall be filed with the Village Administrator. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and this Code of Ordinances.

**SEC. 5-1-7 HEARING AUTHORITIES FOR SUSPENSION OR REMOVAL OF LAW ENFORCEMENT OFFICERS.**

- (a) Pursuant to Sec. 62. 13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:
  - (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee.
  - (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

**SEC. 5-1-8 POLICE CHIEFS RESPONSIBILITY FOR TRAINING.**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

**SEC. 5-1-9      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 o 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 1 of this Code of Ordinances.



## CHAPTER 2

### Fire Department

5-2-1	Fire Department Organization; Goals of the Department
5-2-2	Impeding Fire Equipment Prohibited
5-2-3	Police Power of the Department; Investigation of Fires
5-2-4	Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
5-2-5	Firemen May Enter Adjacent Property
5-2-6	Duty of Bystanders to Assist
5-2-7	Vehicles to Yield Right-of-Way
5-2-8	Interference with Use of Hydrants Prohibited
5-2-9	Open Burning
5-2-9A	Detached Energy System ( <i>Rev. 10-04</i> )
5-2-10	Smoke Alarms and/or Heat Detectors Required in Rental Dwelling Units

#### SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.

- (a) **Fire Department Recognized.** The Edgar Volunteer Fire Department is officially recognized as the Fire Department serving the Village of Edgar, and the duties of fire fighting and fire prevention in the Village are delegated to such Department. The Edgar Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Edgar.
- (b) **Fire Protection Agreement.** The Village of Edgar, surrounding municipalities, and the Volunteer Fire Department have entered into a contract under Sec. 66.30, Wis. Stats., for the operation of a Fire District under the management of the Fire Board. Such contract is on file with the Village Administrator and shall govern the operation of the Department and the relation of the Village thereto.
- (c) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) **Goals of the Fire Defense Program.**
  - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
  - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
  - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (e) **Organization.** The Edgar Volunteer Fire Department shall be organized and governed pursuant to its bylaws.

#### SEC. 5-2-2 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Edgar Volunteer 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. 5-2-3 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) The Fire Chief shall be the Fire Inspector of the Village of Edgar and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.
  - (2) 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 Edgar 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. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
  - (3) 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 the Fire Department, and more often as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 each year.
  - (4) 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. A copy of such reports shall be filed with the Fire Chief.

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

**SEC. 5-2-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES**

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Edgar Volunteer Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

**SEC. 5-2-5 FIREMEN MAY ENTER ADJACENT PROPERTY.**

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a 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.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

**SEC. 5-2-6 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. 5-2-7 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 motorized 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. 5-2-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.**

No person shall occupy any portion of such streets or alleys with a motorized 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. 5-2-9 OPEN BURNING.**

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Edgar excepting as set forth in Subsection (b) of this Section. This prohibition on burning includes burning of construction waste and debris at construction sites. Incineration of any material in a barrel is prohibited.
- (b) **Exceptions.**
  - (1) Outdoor cooking over a fire contained in a device (eg. grill) or structure (eg. outdoor fireplace) designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, may be permitted; this exception IS not to be used for the burning of grass, leaves or other lawn debris;
  - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted;
  - (4) Recreational campfires or cooking fires are permitted for citizens living in single or two-family residences subject to the following conditions:
    - a. Fire rings are to be made of steel no greater than 30" (thirty inches) in diameter and no less than 6" (six inches) above grade. Stone, concrete block or fire brick may be substituted for the steel, subject to the same dimensions set forth for a steel fire ring.
    - b. Firewood, cut to no greater than 20" (twenty inches) in length may be burned in the fire ring. This specifically excludes all other materials (cardboard, plywood, magazines or other garbage) with the exception of newspaper which may be used only to start the

- campfire.
- c. At no time may firewood, (the solid combustible) in the fire ring, be stacked to a height greater than 24" (twenty four inches).
- d. No campfire may be burned without supervision. (Amended 6-13-05)
- (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
- (6) Whenever approval and special permit are granted by the Fire Chief under Subsection (b)(2), (3) and (5) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (c) **Chief May Prohibit.** The Fire Chief 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.** A person utilizing and maintaining an outdoor fire shall be responsible for any liability resulting from damage caused by his fire.

**SEC. 5-2-9A DETACHED ENERGY SYSTEMS**

- (a) Purpose: The purpose of this section is to promote the health and well being of the residents of the Village of Edgar.
- (b) Definition: "Detached energy system" means an outdoor device designed or constructed for solid fuel combustion so that the useable heat derived is for the interior of buildings.
- (c) The construction or use of "Detached Energy Systems" within the Village limits of the Village of Edgar is prohibited *in all areas of the Village served by Village water and sewer.*
- (d) *The construction or use of "Detached Energy Systems" within the Village limits of the Village of Edgar for those areas not serviced by Village water and sewer is allowed, provided the detached energy system is minimum of 300 feet from neighboring property lines.*

**SEC. 5-2-10 SMOKE ALARMS AND/OR HEAT DETECTORS REQUIRED IN RENTAL DWELLING UNITS.**

- (a) **Smoke Detector Devices Required.** The owner of every premises on which is located one (1) or more rental dwelling units within the Village shall install a smoke detection device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Village Fire Inspector to protect each sleeping area.
- (b) Definitions. For the purposes of this Section, the following words and phrases shall have the following meanings:
  - 1) Dwelling Unit. A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.
- (c) **Installation and Design Standards.**
  - (1) The Chief of the Fire Department shall advise the owner of the premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
  - (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association (NFP A) standards, pamphlet #72E edition, and pamphlet #74, 1975 edition and state law. The smoke detector shall be installed, according to the directions and specifications of the manufacturer, in the basement, at the head of any common stairway on each floor level (except attic and storage areas) and in each sleeping area. Installation of a smoke detector in a common hallway leading to the sleeping areas, but not more than six (6) feet from the

doorway of each sleeping area, may take the place of a smoke detector in each sleeping area adjacent to the hallway.

- (3) All smoke and heat detection devices shall bear the Underwriters' Laboratory seal of approval or Factory Mutual approval. All smoke detection devices shall meet the Underwriters' Laboratory standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
  - (4) In multiple-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosure which will be audible throughout the entire building.
  - (5) In multi-family dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in space according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.
  - (6) Smoke detector or heat-sensing devices shall be installed in all furnace, -boiler and incinerator rooms in a multi-family dwelling.
- (d) **Owner Responsible for installation and Maintenance.** The owner of the dwelling unit shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation of some other authorized qualified individual to assume that responsibility.

State Law Reference: Chapter 101, Wis. Stats.

## CHAPTER 3

### Fire Prevention Code; Hazardous Materials

- 5-3-1 Adoption of State Codes
- 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
- 5-3-3 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials
- 5-3-4 Removal of Abandoned Underground Flammable Liquid Storage Tanks

#### **SEC. 5-3-1 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 amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- a) Wis. Adm. Code Ch. ILHR 1; Safety.
- b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- e) Wis. Adm. Code Ch. ILHR 9; Liquefied and Petroleum Gases.
- f) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- g) Wis. Adm. Code Ch ILHR 21; Spray Coating.
- h) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
- i) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
- j) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
- k) Wis. Adm. Code Ch. LHR 51; Definitions and Standards.
- l) l) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- m) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- n) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- o) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
- p) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- q) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
- r) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- s) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
- t) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- u) Wis. Adm. Code Ch. ILHR 61; CBRF.
- v) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- w) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- x) Wis. Adm. Code Ch. ILHR 65; Fire Protection.
- y) Wisconsin Electrical Code.

#### **SEC. 5-3-2 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP OF SPILLS**

- (a) **Application.**
  - (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
  - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/ or infectious agents on and after the effective date of this Section.

(b) **Definitions.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/ or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

- g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent.
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Cross Reference: Section 8-2-1.

**SEC. 5-3-3 RECOVERY OF COSTS.**

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

**SEC. 5-3-4 REMOVAL OF ABANDONED UNDERGROUND FLAMMABLE LIQUID STORAGE TANKS.**

Underground flammable liquid storage tanks which are abandoned, as defined in Chapter ILHR 10, Wis. Adm. Code, shall not be abandoned in place. Such tanks shall be removed within ninety (90) days from the date they become abandoned and the excavation filled with clean, well-compacted fill to the surface of the adjacent grade.



## CHAPTER 4

### Regulation of Alarm System

5-4-1	Title
5-4-2	Declaration of purpose
5-4-3	Definitions
5-4-4	Administrative Rules
5-4-5	Automatic Dialing Devices
5-4-6	Direct Connections to the Police Department
5-4-7	Testing
5-4-8	Notification
5-4-9	Fee for Answering Alarms
5-4-10	Village liability
5-4-11	Permits for Private Alarm Systems
5-4-12	Revocation of Permits

#### **SEC. 5-4-1 TITLE.**

This Chapter shall be known as the Village of Edgar Alarm Systems Ordinance.

#### **SEC. 5-4-2 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. 5-4-3 DEFINITIONS.**

Within this Chapter, the following terms, phrases and words and their derivations have the means 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 or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "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 of 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 or Fire 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 attached 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 or Fire Department.
  - (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 or Fire 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. 5-4-4 ADMINISTRATIVE RULES.**

The Chief of Police and Fire Chief 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. 5-4-5 AUTOMATIC DIALING DEVICES.**

No person shall interconnect any automatic dialing device to a Police or Fire 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 or Fire Department shall only be done person to person on the telephone line.

**SEC. 5-4-6 DIRECT CONNECTIONS TO THE POLICE DEPARTMENT.**

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Village Administrator and Fire Chief.

**SEC. 5-4-7 TESTING.**

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police or Fire Department shall be tested or demonstrated without prior notification and approval of the Police or Fire Department dispatcher. Alarm businesses or alarm system owners or lessor's will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police or Fire Department will be tested to determine the Police or Fire Department's response without first notifying the appropriate authority. However, the Police or Fire Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police and Fire Department.

**SEC. 5-4-8 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. 5-4-9 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. Fifth (5th) false alarm per location \$45.00
    - e. Sixty (6th) and subsequent false alarm per location \$65.00
  - (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a 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 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 an 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 preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. 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.
- (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 raid but not to exceed a length of time specified by the court which length o time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

#### **SEC. 5-4-10 VILLAGE LIABILITY.**

The Village of Edgar 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. 5-4-11 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 Dollars (\$10.00) 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 Chief of Police shall issue the permits and collect the fees.
- (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 5-4-12.

#### **SEC. 5-4-12 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 mall 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 Chief of Police 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 Village Board gives its decision. The Village Administrator 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.

## CHAPTER 5

### Emergency Government

5-5-1	Emergency Government - Definition
5-5-2	Emergency Government Director
5-5-3	Declaration of Emergency
5-5-4	Emergency Regulations
5-5-5	Obstruction of Emergency Government Organization
	Appendix - Marathon County Joint Action Emergency Government Ordinance

#### SEC. 5-5-1 EMERGENCY GOVERNMENT - DEFINITION.

Emergency Government shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by an enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

#### SEC. 5-5-2 EMERGENCY GOVERNMENT DIRECTOR.

- (a) **Appointment.** The emergency government director shall be the Fire Chief.
- (b) **Duties and Powers.** The director shall be the executive head of the Village Emergency Government organization and shall have direct responsibility for the organization, administration and operation of the organization, except as provided for in the Marathon County Joint Action Emergency Government Ordinance, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him from time to time by the Village Board, he shall have the authority and it shall be his duty to:
- (1) Coordinate all activities for Emergency Government within the Village.
  - (2) Maintain liaison and cooperation with Emergency Government agencies and organizations of other political subdivisions and of the County, State and Federal Government.
  - (3) Participate in County and State Emergency Government activities upon request.
  - (4) Prepare a comprehensive general plan for the Emergency Government of the Village and present such plan to the Village Board for approval.
  - (5) Subject to the approval of the Village Board, enter into a mutual agreement with other political subdivisions and file copies of any such agreements with the State Director of Emergency Government.
  - (6) Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the Emergency Government plan or by the County Emergency Government Director.

#### SEC. 5-5-3 DECLARATION OF EMERGENCIES.

The Emergency Government organization shall take action in accordance with the Emergency Government plan only after the declaration of an emergency and issuance of the official disaster warning. Declaration of emergency shall be made by the Governor, the Village President or, in his absence, by the Director. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

**SEC. 5-5-4      EMERGENCY REGULATIONS.**

Whenever necessary to meet an Emergency Government emergency for which adequate regulations have been adopted by the Village Board, the Village President and, in his absence, the Director of Emergency Government, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to insure the cooperation in Emergency Government activities. Such proclamation shall be posted in three (3) public places and may be rescinded by resolution of the Village Board.

**SEC. 5-5-5      OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION.**

No person shall willfully obstruct, hinder or delay any member of the Emergency Government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Section or violate any order, rule, regulation or plan issued pursuant to the authority contained in this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to a penalty as provided in Section 1-1-6 of this Code.

## APPENDIX

### MARATHON COUNTY

#### JOINT ACTION EMERGENCY GOVERNMENT ORDINANCE

An Ordinance to Repeal an Ordinance Providing for a Civil Defense Organization and for Protection and Promotion of Public Safety, Health and Welfare in the County of Marathon During Government Emergencies and to Create an Ordinance Providing for Emergency Government in the County of Marathon Entitled "Emergency Government" for Marathon County.

The County Board of Supervisors of Marathon County do ordain as follows: Section 1. The Ordinance entitled "An Ordinance Providing for a Civil Defense Organization and for Protection and Promotion of Public Safety, Health and Welfare in the County of Marathon during Civil Defense Emergencies" is repealed effective May 24, 1977. Section 2. An Ordinance entitled "Emergency Government for Marathon County" is created to read:

#### SECTION 1. POLICY AND PURPOSE.

- (1) Purpose. To ensure that the County of Marathon will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from man-made and natural disasters, an Office of Emergency Government is created to carry out the purposes set out in Chapter 22 of the Wisconsin Statutes, 1969.
- (2) Definitions. As used in this ordinance:
  - (a) "Emergency Government" includes "civil defense" and means all measures undertaken by or on behalf of the State and its subdivisions:
    1. To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.
    2. To make emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
  - (b) "Civil Defense" means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.
  - (c) "Enemy action" means hostile action by a foreign power which threatens the security of this State or portion thereof.
  - (d) The term "natural disaster" includes all other extraordinary misfortunes affecting the county, natural or man-made, not included in the term "enemy action."

#### SECTION 2. COUNTY EMERGENCY GOVERNMENT COMMITTEE.

- (1) How Constituted. The Advisory Committee of the County Board as created under its rules is hereby designated as the County Emergency Government Committee. When acting as such Committee, the Chairman of the County Board shall be its Chairman.



- (2) Duties of County Emergency Government Committee. The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Government Director and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon call of the Chairman.

#### SECTION 3. COUNTY/MUNICIPAL EMERGENCY GOVERNMENT DIRECTOR.

- (1) Joint Director. There is hereby created the Office of County/Municipal Emergency Government Director. The County Emergency Government Director shall also hold the office of Emergency Government Director of such municipalities of Marathon County as may hereafter enact an ordinance parallel to this ordinance. In addition to his duties as County Emergency Government Director, he shall have the additional duties and responsibilities of a Municipal Emergency Government Director as provided for in Sec. 66.30 of the Wisconsin Statutes.
- (2) Salary, Term, Appointment and Statutory Provision.
  - (a) The County/Municipal Emergency Government Director shall be a full-time position.
  - (b) Salary. The salary of the Director and members of his staff shall be as determined by the County Board.
  - (c) Term. The term of the Director shall be at the pleasure of the County Board.
  - (d) Appointment. The Director shall be appointed by the Emergency Government Committee in accordance with the standard employment procedures as used by the County Board and subject to approval by the County Board.
  - (e) Statutory Provision. The provisions of Sec. 22.16(9), Laws of 1969, Wisconsin Statutes, relating to personnel, shall apply to the selection of the Director and his staff.
- (3) Status. The Director shall be considered to be an employee of the county not under civil service and shall be entitled to all of the rights, privileges and benefits that county employees have. He shall report to the County Emergency Government Committee.

#### SECTION 4. SHARING OF COSTS.

- (1) Office and Staff. The Marathon County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director, and the cost thereof shall be defrayed by the County of Marathon with the help of federal matching funds.
- (2) Major Equipment and Services. Costs of equipment and services shall be borne one hundred percent (100%) by the municipal government requiring such procurement with federal matching funds procured by the County /Municipal Director when applicable. Federal matching fund reimbursements shall be returned to the Treasurer of the municipality procuring the equipment or services.

#### SECTION 5. JOINT ACTION MEETINGS.

Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as they arise.

SECTION 6. DUTIES OF THE COUNTY EMERGENCY GOVERNMENT DIRECTOR.

- (1) Countywide Duties. The Director, in his capacity as County Director, subject to the control and direction of the County Emergency Government Committee and under the general supervision of the County Board, shall:
  - (a) Develop and promulgate emergency government plans for the county, including planning for Joint action municipalities, consistent with the state plan of emergency government;
  - (b) Coordinate and assist in the development of non-joint action municipal emergency government plans within the county and integrate such plans with the county plan;
  - (c) Direct the county and joint action municipality emergency government services programs;
  - (d) Direct county-wide emergency government services training programs and exercises;
  - (e) Advise the State Administrator of Emergency Government through the Northeast Area Director of all emergency government planning for the county and make such reports as may be required by the Administrator;
  - (f) In case of a state of emergency proclaimed by the Governor, direct the county and joint action municipalities in emergency government activities and coordinate the non-joint action municipal emergency government activities within the county, subject to coordinating authority of the State Administrator; and
  - (g) Perform such other duties relating to emergency government as may be required by the County Board.
  
- (2) Municipal Duties. The Director, in his capacity as director for a municipality participating in joint action, shall:
  - (a) Direct the municipal emergency government organization;
  - (b) Develop, promulgate and integrate into the county plan emergency government plans for the operating services of the municipality; ,
  - (c) Direct participation of the municipality in such emergency government training programs and exercises as may be required on the county level or by the State Administrator;
  - (d) Direct the municipal emergency government training programs and exercises;
  - (e) Perform all administrative duties necessary for the submission of reports and procurement of federal matching funds for each municipality requesting federal matching funds;
  - (f) In case of a state of emergency proclaimed by the Governor, direct the activities of the municipal emergency government organization;

- (g) Perform such other duties relating to emergency government as may be required by the municipal governing body.

SECTION 7. UTILIZATION OF EXISTING SERVICES, PERSONNEL AND FACILITIES.

- (1) Policy. In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) Joint Action. Municipalities entering into joint action with Marathon County will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this Section of the county ordinance.
- (3) Responsibilities. To assure that during emergencies all the facilities of the existing county government are expanded to the fullest to meet the emergency, the following specific responsibilities are assigned to the following department heads. The Director of Emergency Government will assist in organizing and planning for the expansion of their departments prior to or during an emergency and for recruiting volunteers to supplement the regular work force.

County Sheriff	Director of Emergency Police Service
County Highway Commissioner	Director of Emergency Engineering Services
Director of Public Welfare	Director of Emergency Welfare Services
Purchasing Agent	Director of Emergency Supply Services
County Coroner	Director of Emergency Mortuary Services
District Attorney	Director of Emergency Legal Services

Other department heads not specifically named will fulfill emergency and non-emergency duties as assigned under the Marathon County/Municipal Operations Plan. Nothing in this Section shall be construed so as to limit the Director of Emergency Government from immediately starting organizational and planning programs as required by the State of Wisconsin Operations Plan adopted by the County Board.

- (4) Marathon County Succession to Command. To insure continuity of government, the following is the succession to leadership for Marathon County:
  - (a) County Board Chairman.
  - (b) Vice-Chairman, County Board.
  - (c) Chairman of Property, Purchasing and Insurance Committee.

SECTION 8. OTHER EMERGENCIES.

- (1) Joint Action Municipalities. In the event the Governor determines that an emergency exists growing out of natural or man-made disaster, the County Emergency Government Director will activate and direct the emergency government services at the appropriate level of government affected by the emergency.
- (2) Non-Joint Action Municipalities. In the event of a natural or man-made disaster, the County Emergency Government Director will coordinate the municipalities affected and render such assistance as is required and available from county resources.
- (3) Penalties. It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions

of this ordinance, he shall forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and, in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding ninety (90) days.

## TITLE 6

### Public Works

Chapter 1	Grades
Chapter 2	Streets and Sidewalks
Chapter 3	Driveways
Chapter 4	Trees and Shrubs

## CHAPTER 1

### Grades

6-1-1	Establishment of Grades
6-1-2	Alteration of Grade Prohibited
6-1-3	Regulation and Grades of Underground Utilities

#### SEC. 6-1-1 ESTABLISHMENT OF GRADES.

- (a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by vote by the Village Board, upon the recommendation of the Village Engineer, and the same recorded by the Village Administrator 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. All such grades heretofore established are hereby confirmed.
- (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 apart 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 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 Village shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established, the cost to be paid by the property owner.
- (c) **New Home Grades.** Where a road has been provided with a finished paved surface, the grade level shall be as follows; on substantially level ground the grade level of the main floor shall be eighteen (18) inches above the crown of the road. The finished garage floor slab shall be minimum of twelve (12) inches above the crown of the road. The grade will be from the center of the garage on a horizontally perpendicular line from the front of the garage extended to the center line of the street. On unpaved streets or lots on sloping ground the Village Administrator shall be contacted so that he or his designee can meet and discuss an appropriate grade level with he applicant. The maximum grade of the garage floor in relationship to the street grade upon which the garage exits is not to exceed a 10% positive slope (above or higher than) the bottom of the flow line of the anticipated constructed curb and gutter of the street to the front edge of the garage. The grade will be from the center of the garage on a horizontally perpendicular line from the front of the garage extended to the curb line of the street. The mean centerline and centerline grade of an unimproved (unpaved without curb and gutter) street shall be determined from the as-built provided at the time of the construction of a street. The curb and gutter grade and location will be extrapolated from the as-built.

#### SEC. 6-1-2 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 Edgar 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 Village Administrator.

**SEC. 6-1-3 REGULATION OF UNDERGROUND UTILITIES.**

- (a) **Elevation.** The grade or elevation of all underground construction shall be a minimum of three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.
- (b) **Approval of Location.** The location of any and all such underground construction must have the approval of the Village.
- (c) **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the Village Administrator before construction can begin.
- (d) **Inspection.** On request of the Village Administrator, the utility company must provide opportunity for him to check any construction before it may be covered.
- (e) **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction, or of the storm sewer, at the election of the Village and in accordance with his directions and specifications.
- (f) **Establishment of Grade.** At the request of the utility company, the Village shall give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- (g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Village Administrator as soon thereafter as is reasonably possible.
- (h) **Restoration of Surface.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the Village may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6-2-3 and 6-2-4.
- (i) **Non-Relief from Obligations.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travel way, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

## CHAPTER 2

### Streets and Sidewalks

6-2-1	Removal of Rubbish and Dirt From Sidewalks
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6-2-11	Sale or Display of Merchandise Prohibited; Special Event Vending Pennit
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6-2-17	Curb and Gutter

#### SEC. 6-2-1 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, the Village Administrator may cause the same to be done and who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.60(16), Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

#### SEC. 6-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS.

(a) **Board May Order.**

(1) The Village Board may determine that sidewalks, curb and gutter and suitable street surface material may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, replaced, repaired, lowered or raised, it shall direct the abutting owner or owners to lay, remove, replace, repair, raise or lower said sidewalk.

(2) **Notice.**

- a. Such notice shall be in writing and shall be served personally on the owner or his agent, and in case the owner or agent cannot be found, such notice shall be published in the official newspaper and a copy thereof mailed to the owner's last-known address.
- b. Such notice shall specify that the sidewalk be rebuilt, repaired, raised, lowered or constructed in accordance with this Section and shall direct the owner to repair the same within forty-eight (48) hours of the service of the notice or to rebuild the sidewalk within thirty (30) days after such service.

(b) **Apportionment of Costs.** 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 Edgar and to pay the entire cost thereof. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Edgar, it shall proceed according to Sec. 66.615, WIS. Stats. Special assessment for sidewalks shall be payable in not more than three (3) installments in three (3) years.

- (c) **Authorization Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Edgar unless he is under contract with the Village to do such work or has authorization from the Village Administrator at least three (3) days before work is proposed to be undertaken.
- (d) **Standard Specifications for Sidewalk.**
- (1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village.
  - (2) Grading. Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of sub-grade by the contractor.
  - (3) Sub-grade. The sub-grade shall be prepared by excavating to the line, grade and cross section as furnished by the Village. Sub grade shall be three (3) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft and unsuitable sub grade material shall be removed and replaced with sand or other satisfactory material, and the sub grade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. At all places where existing ground level is below sub grade elevation, the owner shall furnish and place suitable material in successive layers of four (4) inches or less, and each layer shall be rolled and thoroughly compacted until sub grade elevation is reached. In all cases where the grading is carried to a line below the sub grade elevation, the owner shall furnish and refill the space with material satisfactory to the governing body or its agents, and soil, tamp and sprinkle the fill in a thorough manner approved by the governing body or its agents.
  - (4) Surplus Excavation and Fill Between Sidewalk and Curb. All surplus earth and other material excavated from the line of work which may not be required for filling, shall be hauled and deposited as directed by the governing body. Where the sidewalk does not abut curb, gutter, pavement or other structures and when the concrete has been cured and forms removed, the space along the sides shall be backfilled with a satisfactory soil thoroughly compacted. Backfill shall be approved by the Village Administrator.
  - (5) Concrete.
    - a. All sidewalks shall be of concrete construction of Portland cement fresh and of a reputable brand, conforming to ASTM 175. The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days.
    - b. 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 sidewalk 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.
    - c. Concrete shall be placed in the forms on a moist sub grade, 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. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten (10) foot straight edge, and any areas departing from the testing edge shall be corrected by adding or removing concrete while the walk pour is still plastic.
  - (6) Jointing. Expansion joints one-half (1/2) inch thick and four (4) feet wide shall be placed at forty (40) foot maximum intervals. At all places where a walk intersects another walk or curb line, a one-half (1/2) inch expansion joint shall be placed.
  - (7) Slope. 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 a six (6) inch strip of street property left between the property line and the edge of the sidewalk.

- (8) Width and Thickness. All residential sidewalks shall be four (4) or five (5) feet in width as determined by the Village Board in view of existing sidewalks in the area, except within driveway approaches where the minimum thickness shall be six (6) 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 as determined by the Village Board, but not less than six (6) feet in width and four (4) inches in thickness, except within driveway approaches where the minimum thickness shall be six (6) inches. Where possible, sidewalks shall be located nine (9) feet from the curb. Where new residential sidewalks are constructed along an entire block in any residential district, such sidewalks shall be four (4) feet in width. One-half (1/2) inch reinforcement rod shall be used when replacing or repairing sidewalks over alley entrances.
  - (9) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F. for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen sub grade.
  - (10) 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." Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather below fifty (50) degrees Fahrenheit for ninety-six (96) hours.
  - (11) Higher Standards. Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Engineer.
- (e) **Repair or Replacement of Defective Sidewalks.**
- (1) Pursuant to Sec. 66.615, Wis. Stats., the Village Board may order at any time 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 within ten (10) days after service of the notice provided in Sec. 66.615(3)(c), Wis. Stats., the Village Board shall repair or construct such sidewalk and the Village Administrator shall enter the total cost thereof upon the tax roll as a special assessment against said lot or parcel of land. If a life-threatening situation exists which is caused by a sidewalk in need of repair, the Village Board shall direct the property owner to make repairs within forty-eight (48) hours. If the property owner shall fail to repair such sidewalk Within the required period, the Village Board shall make the necessary repairs and the Village Administrator shall enter the total cost thereof on the tax roll as a special tax against said parcel.
  - (2) The existence of anyone (1) or more of the hereinafter enumerated characteristics shall determine a sidewalk defective or insufficient:
    - a. One (1) inch or more vertical differential between adjacent sharp-edged individual sidewalk blocks.
    - b. One and one-half (1-1/2) inch or more vertical differential between adjacent rounded edge individual sidewalk blocks.
    - c. Three-quarter (3/4) inch or more horizontal distance between adjacent individual sidewalk blocks.
    - d. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.
  - (3) If two-thirds (2/3) of a property owner's sidewalk blocks are determined to be defective or insufficient per this Subsection, the entire sidewalk may be replaced.

- (f) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

State Law Reference: Sec. 66.615, Wis. Stats.

### **SEC. 6-2-3 EXCAVATIONS OF ALLEYS, PUBLIC WAYS AND GROUNDS.**

- (a) **Authorization 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 with the Village of Edgar without authorization therefor from the Village Administrator.
- (b) **Application for Authorization.** The applicant shall submit to the Village Administrator, at the time authorization is requested, 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 Village Administrator shall determine if sufficient information is submitted.
- (c) **Exception.** The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Administrator.
- (d) **Validity of Authorization.** Authorization shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) **Renewal of Authorization.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day authorization renewal by written request to the Village Administrator. Reauthorizations shall be issued at the discretion of the Village Administrator.
- (f) **Village Standards.** All street work shall be performed in accordance with the current standard specifications for street opening found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) **Insurance Required.** Authorization shall be given only upon condition that the applicant submit to the Village Administrator 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 \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000. The policy shall name the Village of Edgar as the third party insured.
- (h) **Bond.**
- (1) Before authorization for excavating or opening any street or public way may be given, the applicant must sign a statement that he will indemnify and save harmless the Village of Edgar and its officers from all liability for accidents and damage caused by any of the work covered by the authorization, 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 Administrator for a period of one (1) year, and that he will pay all fines or forfeitures 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 (1) year.
  - (2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.

- (3) The person who does such restoration shall be responsible therefor for one ( 1) year 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 an amount determined by the Village Administrator.
- (4) Whenever the Village Administrator shall find that any such work has become defective within one (1) year of the date of completion, he 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 Administrator 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.
- (5) 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. 6-2-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.**

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the Village Administrator to be an emergency excavation.
- (b) **Protection of Public.**
  - (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Administrator, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Village Administrator, 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 from 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.
  - (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
  - (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b ).
  - (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section , 6-2-4(g).
- (b) **Pavement Removal.**
  - (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations.
  - (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular

rectangular section or pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Village Administrator shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

(3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.

(4) The Village Administrator may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(d) **Excavation.**

(1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural water-courses shall not be obstructed.

(2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(e) **Backfilling**

(1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Village Administrator, is unsuitable.

(2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Village Administrator, hauled in.

(3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.

(4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95% ) of the maximum dry density as determined by the Modified Proctor Test (ASTM-I557). Compaction or consolidation by flooding shall not be permitted.

(5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and re-compacted by the permittee. The cost of any retesting shall be paid by the permittee.

(6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.

(f) **Notice.** It shall be the duty of the permittee to notify the Village Administrator and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Village Administrator shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

(g) **Pavement Replacement.**

(1) Backfill material shall be left below the original surface to allow for four (4) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.

(2) Bituminous pavement shall be placed the full depth of the existing pavement or two an one-half (2-1/2) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half (1-1/2) inch base layer and a one (1) inch top layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of

Transportation Gradation No.1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.

- (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the Village Administrator.
- (4) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three (3) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
- (h) **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 make 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 and shall notify the Police Department immediately.
- (i) **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 Village Administrator shall notify in writing each person, utility 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 Administrator, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

#### **SEC. 6-2-5 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 Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
  - (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Code pursuant to Sec. 66.045, Wis. Stats.
  - (2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
  - (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
  - (4) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
  - (5) Public utility encroachments duly authorized by state law or the Village Board.

- (6) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.
  - (7) Signs or clocks attached to buildings which project not 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.
- (c) **Issuance of Permit.**
- (1) The Village Administrator is authorized to issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
    - a. The property must be located in an area zoned for commercial uses.
    - b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
    - c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than four (4) feet at any point.
    - d. The property owner shall provide the Village with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the Village sidewalks. In addition, the Village shall be identified as a third-party insured.
    - e. The fixture(s) shall not be for sale. Specifically excluded are all forms of vending machines, vendors carts or tables, etc., provided a minimum three (3) foot unobstructed pedestrian walkway is maintained.
    - f. The property owner whose property adjoins the Village sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
    - g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.
  - (2) Upon reviewing the permit application if it is determined by the Village Administrator that all of the above requirements have been met, he shall issue the permit. Said permit may be revoked by the Village President, Village Administrator, Building Inspector or any Village law enforcement officer ("Village enforcement officials") at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.
- (d) **Removal by Village for Sidewalk Obstructions and Encroachment.** In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Removal by Village for Obstruction and Encroachment Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (f) **Failure to Remove Obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any Village enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction 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 Village Administrator shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

- (2) The failure of the Village Administrator 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 obstruction as provided for in this Section.

**SEC. 6-2-6 STREET PRIVILEGE PERMIT.**

- (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 Village Administrator for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Village Administrator shall request advisory recommendations from the Chief of Police and Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond**
- (1) No street privilege permit shall be issued until the applicant shall execute and file with the Village Administrator a bond in an amount determined by the Village Administrator not exceeding Five Thousand Dollars (\$5,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (2) The applicant shall also comply with the insurance requirements of Section 6-2-3(g).
- (c) **Fee.** The fee for a street privilege permit shall be in the sum of Ten Dollars (\$10.00), plus any actual Village costs.
- (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 Village Administrator, Chief of Police or Building Inspector 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 Chief of Police and Village Administrator, 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 Village Administrator and Chief of Police.
- (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 (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Administrator.
- (f) **Removal by Village.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove, or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Administrator, Chief of Police or Building Inspector to do so, it shall be the duty of the Village Administrator, Chief of Police

or Building Inspector to remove such obstruction and make return of the costs and expenses thereof to the Village Administrator 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: Sec. 66.045, Wis. Stats.

#### **SEC. 6-2-7 SNOW AND ICE REMOVAL.**

- (a) **Removal From Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/ or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.
- (b) **Notice and Removal of Snow from Sidewalks.** If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep said sidewalk clear of snow and ice as set forth in Subsection (a), the Village Administrator or Village law enforcement officers shall take the following action:
- (1) Hazardous Conditions. If the Village Administrator or Village law enforcement officer determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he shall cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow and ice be removed within two (2) hours from the delivery of the notice. In the event the property owner, occupant or person in charge of said parcel or lot is unavailable to receive a written notice, the Village Administrator or police officer shall immediately cause the removal of the snow and/or ice. The Village Administrator or police officer shall send a written notice to the last-known address of the property owner notifying him that a hazardous condition existed which required immediately abatement.
- (2) Non-Hazardous Conditions. If the owner, occupant or person in charge of the subject parcel or lot fails to remove the snow within the time period established in Subsection (a), the Village Administrator or police officer shall cause the issuance of a written notice to said owner, occupant or person in charge of the subject parcel or lot directing the responsible person (as defined) to remove said snow and ice no later than 12:00 Noon of the day following the issuance of said notice. The written notice shall be hand delivered when possible or mailed to the last-known address of the owner of the subject property as identified on the records in the Village Administrator's office.
- (3) Snow and Ice Not to Encroach. No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the public streets.
- (c) **Enforcement.** The Village Administrator, his designees and all sworn police officers are hereby authorized and directed to enforce the provisions of this Section.
- (d) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and or ice shall not nullify any pending notice issued under this Section.
- (e) **Abatement After Notice.** Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsection (b)(1) and (2) after receiving a written notice shall result in the Village Administrator causing the removal of said snow and/or ice.



- (f) **Expense.** An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Administrator shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.615(5), Wis. Stats.
- (g) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

State Law Reference: Sections 66.60(16) and 66.615(3)(£) and (5), Wis. Stats.

**SEC. 6-2-8 TERRACE AREAS.**

- (a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-2(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. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- (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.

Cross Reference: Title 6, Chapter 4.

**SEC. 6-2-9 VAULTS.**

All vaults and cisterns under sidewalks shall be prohibited.

**SEC. 6-2-10 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.**

No downspouts 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 a building extend over or are so constructed that water may fall therefrom 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 therefrom, 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. 6-2-11 SALE OR DISPLAY OF MERCHANDISE PROHIBITED; SPECIAL EVENT VENDING AUTHORIZATION.**

- (a) **Street Sales Prohibited Except by Authorization.** No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the Village any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special authorization from the Village Administrator. Such authorization shall enable holders to conduct their business in all enumerated areas subject to the limitations of this Section. A special event vending authorization shall be obtained where the vending is done by a participant in a special event and where such vending is an integral part of the event. However, where the vending is to occur in connection with a Village or area-wide promotion of community trade or festival sponsored or coordinated by an organization,

the sponsoring organization shall obtain the special event vending authorization as agent for its participating members.

(b) **Procedure.**

- (1) Application for special event vending authorization shall be filed with the Village Administrator and shall contain such information as the Village Administrator may require. The authorization shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. Where a sponsoring organization is the applicant, the applicant shall provide the Village Administrator with a complete list of sponsors and participants at the time of seeking authorization.
- (2) Upon receipt of a request for authorization, the Village Administrator shall review the information given for conformity with the provisions of this Section. If all the applicable requirements are clearly and unambiguously met in the Village Administrator's opinion, he shall approve the request or approve it conditionally. If the applicable requirements are not clearly and unambiguously met in the Village Administrator's opinion, he shall state the matters in doubt in writing to the applicant within three (3) days of the time of making application-
- (3) The Village Board shall review appeals of the denial of the application by the Village Administrator and may either deny the authorization, approve the request or approve the request conditionally. Appeals requests shall be filed with the Village Administrator within seven (7) days of the Administrator's decision.

(c) **Conditions of Authorization.** In addition to any other conditions imposed by the Village Board, all permittee's may be required to comply with the following requirements:

- (1) Liability Insurance. To hold valid authorization, the vendor must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the Village and its employees and agents harmless and to indemnify and defend the Village, its employees and agents against all, claims, liability, loss, damage or expense incurred by the Village with adequate liability policy limits on account of any damage caused by or resulting from the activities for which the permit 18 granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance evidencing the existence of comprehensive general liability insurance (including contractual liability insurance with the Village being named as an additional insured). Adequate liability limits means minimum limits of One Hundred Thousand Dollars (\$100,000.00) per occurrence for bodily injury and minimum limits of Fifty Thousand Dollars (\$50,000.00) per occurrence for property damage. The Certificate of Insurance shall provide thirty (30) days' written notice to the Village upon cancellation, or non-renewal or material change in the policy. Proof of insurance shall be submitted to the Village Administrator a minimum of seven (7) days before the start of the event.
- (2) Cooperation with Law Enforcement Officials. To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of seven (7) days before the start of the event.
- (3) Clean-up. The permittee shall be fully responsible for all necessary clean-up associated with the licensed event.
- (4) Compliance with Other Regulations. The permittee shall comply with all applicable state and county regulations governing health and sanitation for food-handling establishments, if applicable, and any other applicable Village regulations, including, but not limited to, regulations pertaining to the issuance of Special Class "B" Fermented Malt Beverage Licenses.

**SEC. 6-2-12 REQUESTS FOR IMPROVEMENTS.**

Requests or petitions by Village property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board on or before October 1st to be considered for installation in the following year.

**SEC. 6-2-13 RAKING LEAVES INTO STREETS.**

In the interests of public safety, health and general welfare, community appearance and efficiency of operation, it shall be unlawful to rake or place fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street. No person shall permit grass clippings from mower swaths to remain upon sidewalks or on abutting property owned or occupied by him.

**SEC.6-2-14 UNLAWFUL DUMPING ON STREETS.**

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner of occupant thereof.

**SEC. 6-2-15 STREET NUMBERS.**

- (a) **Buildings to Have Street Numbers.** Each principal building in the Village shall be assigned an official street number. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Administrator. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.
- (b) **Street Numbers to Be Displayed.** The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him the official street number assigned to that building as provided in (b) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen seventy-five (75) feet from the street plainly. Whenever any building is situated more than seventy-five (75) feet from the street line, the number of such building shall be conspicuously displayed on an appropriate post out to the sidewalk or roadway so as to be easily discernible. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.
- (c) **Use of Suffix in Numbering.** Where only one (1) number can be assigned to any house or building, the owner, occupant or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of any such house or building or for any part of such house or building fronting on any, street may use the suffix "A," "B," "C," etc., as may be required.
- (d) **Map Showing Numbers.** For the purpose of facilitating correct numbering, a copy of the map which accompanies this Chapter showing the proper number of all lots or houses fronting upon all streets, avenues or highways shall be kept on file in the office of the Village Administrator. This map shall be open to inspection by all persons during the office hours of the Village Administrator.
- (e) **Numbering of New Buildings.** Whenever any house, building or structure shall hereafter be erected or located in the Village of Edgar, it shall be the duty of the owner to procure the number so assigned upon said building as provided by this Section. No building permit shall be issued for any house, building or structure until the owner has procured from the Village Administrator the official number of the premises.

**SEC. 6-2-16 OBSTRUCTION OF PUBLIC DITCHES.**

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch culvert, swale or drain.

**SEC. 6-2-17 CURB AND GUTTER.**

- (a) **Special Assessments and Charges.** The Village may, at any time, construct or, have constructed curb and gutter in the Village. As a complete alternative to any other methods provided by law, the Village may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.60 and/or 66.62, Wis. Stats.
- (b) **Alternative Methods.**
- (1) Petition. Any taxpayer and property owner in the Village may petition the, Village for the installation of curb and gutter abutting property owned by said petitioner in said Village.
- a. Requirements of Petition. The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describing said property, stating what type is requested, and further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay the total costs of installation of new curb and gutter to include surveying and other contingent expenses. With replacement curb and gutter projects, the Village pays twenty percent (20%) and the property owner eighty percent (80%), with the Village paying the cost of removal.
- b. Effect of Petition. In the event a petition for the installation of curb and gutter is presented to the Village Board, the Board shall have the exclusive discretion to accept or reject the same. The Board may refer said petition, may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.
- (2) Resolution of Intent. In the event the Village should desire to construct curb and gutter in any area of the Village, the Village Board may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.60, Wis. Stats.
- (c) **Types of Curb and Gutter.** All curbs and gutters shall conform to the construction standards adopted by the Village Board, on file with the Village Administrator.
- (d) **Liability for Repair Thereof.** Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.
- (e) **Entered on Tax Rolls.** Any and all costs of replacement, repair and maintenance of curb and gutter incurred within two (2) years after installation thereof or damage thereto during construction as provided in Subsection (d) above, shall be charged to the lot or parcel of land affected thereby pursuant to Sec. 66.60, Wis. Stats.

State Law Reference: Sections 66.60 and 66.62, Wis. Stats.

## CHAPTER 3

### Driveways

- 6-3-1 Driveway Authorization Required  
6-3-2 Driveway Location, Design and Construction Requirements

#### SEC. 6-3-1 DRIVEWAY AUTHORIZATION REQUIRED.

- (a) **Purpose.** For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Authorization Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Edgar Without first obtaining authorization therefor as provided by this Chapter. Authorization is not required when a new driveway is to be constructed in conjunction with the construction of a new principal structure; the driveway is included in the building permit process in such cases.
- (c) **Application.** Application for such authorization shall be made to the Village Administrator or Building Inspector and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. Upon receipt of the application, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Administrator, upon the recommendation of the Building Inspector, shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.
- (d) **Application Provisions.** All driveway authorization applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest, and that such proposed drive way is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.
  - (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
  - (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Village of Edgar, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
  - (4) The Village does not assume any responsibility for the removal or clearance of snow, Ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

#### SEC. 6-3-2 DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

- (a) **General Requirement.** The location, design and construction of driveways shall be in accordance with the following:
- (1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street

of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way, required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate site distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- (2) **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
  - (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (7).
  - (4) **Drainage.** The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
  - (5) **Culverts.** Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a 12-inch diameter pipe. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection (7) hereof.
  - (6) **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
  - (7) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
    - a. The filling or draining shall be to grades approved by the Village Administrator and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
    - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
    - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Superintendent of Streets.
  - (8) **Relocation of Utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board if necessary before any utility may be relocated and the driveway installed.
  - (9) **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.
  - (10) **Variations.** Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:

- (1) Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board in its discretion may permit a driveway of additional width.
  - (2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than 45°.
  - (3) Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
- (c) **Special Requirements for Residential Driveways**. The following regulations are applicable to driveways serving residential property:
- (1) Width of Driveways. Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
  - (2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (d) **Appeal from Permit Refusal**. Any person feeling himself aggrieved by the refusal of the Village Administrator to issue a permit for a private driveway may appeal such refusal to the Village Board within twenty (20) days after such refusal to issue such permit is made-
- (e) **Prohibited Driveways**.
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village of Edgar except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
  - (2) No driveway shall be closer than ten (10) feet to the 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 for effective traffic control or for highway signs or signals.
  - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
  - (4) 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 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.
  - (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

# CHAPTER 4

## Trees and Shrubs

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### SEC. 6-4-1 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. 6-4-2 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 or Terrace Areas.** "Boulevard or Terrace 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 have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.
- (f) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.



- (g) **Shrubs.** "Shrubs" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) **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.
- (i) **Evergreen Tree.** "Evergreen Tree" shall mean any woody plant normally having one stem or trunk and bearing foliage the form of needles and crowns which extend from ground level throughout its entire height.
- (j) **Forester.** Person designated by the Village Board as authorized to carry out provisions of this Chapter.

**SEC. 6-4-3 AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES.**

- (a) The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. The Village Forester shall annually be appointed by the Village President, subject to Board confirmation, at the Board's organizational meeting.
- (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. 6-4-4 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. 6-4-5 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 Village 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" in this Chapter means:
    - a. Fatal or deleterious tree diseases.
    - b. Elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.); Dutch Elm disease.
    - 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 beetle 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.
    - f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley park or other public or private place including the terrace strip between curb and lot line.
    - g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

- (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.
- (2) "Person" means person, firm or corporation.
- (c) **Inspection.**
  - (1) The Village Forester shall inspect or cause to be inspected 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 infested 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 fatal 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 times for the purpose of carrying out any of the provisions of this Section.
- (c) **Abatement of Nuisance; Duty of Forester.**
  - (1) The Forester 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 Trees and Shrubs Elm disease, other deleterious tree diseases, or the inspect 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 own 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 Village Board 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 Village Board, upon the recommendation of 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, it may cause all trees within a one

thousand (1,000) foot radius thereto to be sprayed with an effective disease 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. 6-4-6 ASSESSMENT OF COSTS OF ABATEMENT.**

- (a) The entire 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 Sec. 66.60(16) or Sec. 27.09, WIS. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park 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 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 municipality 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 Village 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 Village Administrator 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. 6-4-7 PERMIT FOR PLANNING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.**

- (a) Permit Required No person, except upon order of the Village Forester, shall plant or remove, or perform major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or cause such act to be done by others without first obtaining a written permit for such

work from the Village Forester as herein provided. The applicant shall comply with the planting standards of Section 6-4-8.

- (b) **Permit Exemptions.** No permit shall be required to cultivate, fertilize or water trees or shrubs or for work by Village personnel on park properties. 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. Trees may be planted in the terrace area, but any damage to streets and sidewalks caused by such trees shall be at the cost of the adjacent property owner.
- (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 (6) 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 perform 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 associated with trees and shrubs.

#### **SEC. 6-4-8 PLANTING OF TREES AND SHRUBS.**

- (a) **Purpose.** The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (b) **Tree Planting Program.** The Village Forester shall recommend to the Village Board a program for tree planting, care and protection for public parks. The Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
- (c) **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 6-4-7.
  - (2)
    - a. All new street trees must be selected from a list of approved trees compiled by the Village Forester. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1-1/4) inches measured at six (6) inches above ground level.
    - b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
    - c. The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.

- d. The good health of all trees planted hereunder shall be guaranteed for one ( 1) year by the applicant, after which time such trees shall become the property of the Village.
- (3) Curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five (5) feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two (2) feet from the curb.
- (4) Trees may not be planted closer than:
  - a. Twenty (20) feet to a utility or street lighting pole.
  - b. Fifteen (15) feet to a driveway or alley.
  - c. Six (6) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six (6) feet.
  - d. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
  - e. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.]
- (5) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (6) The property owner has the responsibility to locate underground utilities before digging.
- (7) Evergreen trees shall not be planted in a terrace area.
- (8) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be a deciduous leaf tree within terrace areas whose growth is in excess of eight (8) inches in height above the top of the nearest curb.
- (9) Tree grates shall be provided for terrace trees surrounded by concrete by the adjacent property owner and shall be level with adjacent concrete.
- (d) **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.
- (e) **Frames.** Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the propose 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. 6-4-9 TRIMMING.**

- (a) Trees and shrubs standing in or upon any boulevard, public area 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.
- (d) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require a permit from the Village Forester.

**SEC. 6-4-10 TREES AND SHRUBBERY OBSCURING 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 (2) 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 or driveway approach to a street 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 Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or Public Works Department employees shall order the Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances

#### SEC. 6-4-11 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 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 Administrator, who shall thereupon enter such cost as a special charge against the property.
- (b) **Removal Standards.** 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 (9) inches below grade measured in a straight line with the normal grade of sidewalk to top of nine (9) 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.
- (c) **Private Removal.** No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the Village Forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the Village Forester, because of disease, damage, hazardous condition, and/ or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.

#### SEC. 6-4-12 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, perform or cause to be performed 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 (10) feet from any public tree without a permit from the Village Forester.
- (c) **Interference With Forester.** No person shall:
- (1) Interfere with or prevent any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this Section.
  - (2) Refuse 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. 6-4-13 APPEAL FROM DETERMINATIONS OR ORDERS.**

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and 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. The Board shall file its written decision with the Village Administrator.

#### **SEC. 6-4-14 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.

## **TITLE 7**

### Licensing and Regulation

Chapter 1	Licensing of Dogs and Cats; Regulation of Animals
Chapter 2	Fermented Malt Beverages and Intoxicating Liquor
Chapter 3	Cigarette License
Chapter 4	Direct Sellers
Chapter 5	Dance License
Chapter 6	Massage Establishments
Chapter 7	Regulation and Licensing of Fireworks
Chapter 8	Street Use Permits
Chapter 9	Regulation of Nonmetallic Mining
Chapter 10	Miscellaneous Business Licenses
Chapter 11	Licensees to Pay Local Claims; Appellate Procedures
Chapter 12	Schedule of Village License Fees

## **CHAPTER 1**

### Licensing of Dogs and Cats; Regulation of Animals

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**SEC. 7-1-1 DOG AND CAT LICENSES REQUIRED; DEFINITIONS.**

- (a) **License Required.** It shall be unlawful for any person in the Village of Edgar to harbor or keep any dog or cat of more than five (5) months of age after April 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; such person 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 reproductive organs.
  - (6) "Animal" means mammals, reptiles and birds.
  - (7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) "Pet" means an animal kept and treated as a pet.

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 or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Edgar after the dog or cat has reached four (4) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is brought into the Village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that 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 Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat 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 Village stating the owner's name and address, the name, sex, spayed or un-spayed, neutered or un-neutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination 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 Village.
- (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 or cat is revaccinated, 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 or cat at all times, but this requirement does not apply to a dog or cat during competition or training, to a dog while hunting, to a dog or cat securely confined indoors or to a dog or cat 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 or cat 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.

### **SEC. 7-1-3 ISSUANCE OF DOG, CAT AND KENNEL LICENSE.**

#### **(a) Dog and Cat licenses.**

- (1) It shall be unlawful for any person in the Village of Edgar to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog or cat 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 or cat 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 established in the Schedule of Village license Fees. The license year shall commence January 1 and end December 31.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Administrator shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The Village Administrator 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 or cat for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any Village police or humane officer shall seize, impound or restrain any dog or cat for which a dog or cat 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 the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Administrator upon application therefor.

#### **(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 established in the Schedule of Village License Fees. 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 Administrator shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas after a conditional use permit has been issued pursuant to the Village Zoning Code.

- (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: Sec. 174.053, Wis. Stats.

#### **SEC. 7-1-4 LATE FEES.**

The Village Administrator shall assess and collect a late fee of Five Dollars (\$5.00) 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 March 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. Said late fee shall be charged in addition to the required license fee.

#### **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 Administrator shall promptly post in at least three (3) public places in the Village notices of quarantine.
- (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 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 quarantine 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 (1) intervening day. If the observation period is not

extended and if the veterinarian certifies that the dog or cat has not exhibited any sign 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 Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the 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 Village, 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 Edgar 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 Section 7-1-12.)
  - (5) Kills, wounds or worries any domestic or wild 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.
  - (7) In the case of a dog, is unlicensed.
- (b) **Vicious Dog 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.
- (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 un-licensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
  - (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 or Cats; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs or cats together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

**SEC. 7-1-7 IMPOUNDMENT OF ANIMALS.**

- (a) **Animal Control Agency.**
  - (1) The Village of Edgar may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
  - (2) The Village of Edgar does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.
- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any police officer, humane officer or animal control 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 or wild animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation.
- (c) **Claiming Animal; Disposal of Unclaimed Animal.** After seizure of animals under this Section by a law enforcement officer, humane officer or animal control officer, the animal shall be impounded. Animals transferred to the Marathon County Humane Society shall be cared for and disposed of pursuant to the Society's policies. In the event an animal is retained in Village custody, 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 publish 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 ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. No animal shall

be released from the pound without being properly licensed if so required by state law or Village Ordinance.

- (d) **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.
- (e) **Village Not Liable for Impounding Animals.** The Village and/ or its animal control agency 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.**

No dog or cat shall be permitted in any public cemetery. 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, CAT OR FERRET BITE.**

Every owner or person harboring or keeping a dog, cat or ferret who knows that such dog, cat or ferret has bitten any person shall immediately report such fact to the Police Department and shall keep such dog, cat or ferret confined for not less than ten (10) days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog, cat or ferret shall surrender the dog, cat or ferret to a law enforcement or 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 therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

**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 or urinate 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. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

**SEC. 7 -1-13 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.**

(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 riddle's turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican Ridley turtle (*lepidochelys kemp*).

- (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, 91st 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 lawful 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 Animal; 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, insect 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 reptiles or insects:
- (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 (Papoit, Mandrillus).
  - (4) Bears (Ursidae).
  - (5) Bison (Bison).
  - (6) Cheetahs (Acinonyx jubatus).
  - (7) Crocodilians (Crocodilia) 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) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
  - (22) Rhinoceroses (Rhinocero tidae).
  - (23) Sharks (class Chondrichthyes ).
  - (24) Snow leopards (Panthera uncia).
  - (25) Tigers (Panthera Tigris).
  - (26) Wolves (Canis lupus).
  - (27) Poisonous insects or spiders.
  - (28) Except in properly zoned districts, horses, mules, llamas, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; 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 RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.**

- (a) 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.
- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Sec. 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: Sec. 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: Sec. 948.14, Wis. Stats.

#### **SEC. 7-1-17 NEGLECTED OR ABANDONED ANIMALS.**

- (a) **Neglected or Abandoned Animals.**
  - (1) No person may abandon any animal.
  - (2) Any law enforcement officer may remove, shelter and care for an 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.
  - (3) 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.
  - (4) 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.
  - (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter .
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 948.15, 948.16 and 948.17, Wis. Stats.

#### **SEC. 7-1-18 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.**

- (a) **Acts of Cruelty 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.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

**SEC. 7-1-19 DOG-NAPPING AND CAT-NAPPING.**

No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the Village or held for any purpose without the owner's consent. This Section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

**SEC. 7-1-20 VEHICLE ACCIDENTS.**

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the Village.

**SEC. 7-1-21 LIMITATION ON NUMBER OF DOGS AND CATS.**

- (a) **Purpose.** The keeping of a large number of dogs or cats within the Village for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs or cats is, therefore, declared a public nuisance.
- (b) **Definitions.**
  - (1) Dog. A dog means any canine, regardless of age or sex.
  - (2) Residential Lot. A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number limited.**
  - (1) No family shall own, harbor or keep in its possession more than three (3) dogs or cats on any residentially zoned lot without the prior approval of the Village Board except that a litter of pups or kittens or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs or cats shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons.
  - (2) The above requirement may be waived for dogs with the approval of the Village Board or when a kennel license has been issued by the Village. Such application for waiver shall first be made to the Village Administrator.

**SEC. 7-1-22 KEEPING OF BEES.**

- (a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the Village unless the bees are kept in accordance with the following provisions:
  - (1) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary.
  - (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
  - (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
  - (4) The bees and equipment shall be kept in accordance with the provisions of the State Statutes.
  - (5) A conditional use permit, following notice and hearing, pursuant to the Village Zoning Code shall first be obtained.
  - (6) Hives, stands or boxes for bees shall only be kept in a rear yard area.
- (b) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

**SEC. 7-1-23 PENALTIES.**

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21 or 7-1-22 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). 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 Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
  - (2) 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 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) 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 Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) 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 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 in order to secure, uniform statewide regulation of alcohol beverage control. State Law Reference: Chapter 125, Wis. Stats.

#### SEC. 7-2-2 DEFINITIONS.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "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 125.16, 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 Administrator 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 Administrator 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 (4) liters at any one (1) time, 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 Administrator 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. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (d) **Class "B" Fermented Malt Beverage Retailer's license**.
  - (1) License. A Class "B" fermented malt beverage retailer's license, when issued by the Village Administrator 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 (1/2) of a per centum of alcohol by volume, without

obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.

- (2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.

(e) **Temporary Class "B" Fermented Malt Beverage license.**

- (1) License. As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. 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 or association making such application and shall be filed with the Village Administrator together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. 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 for events of more than three (3) 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.

(f) **Temporary "Class B. Wine license.**

- (1) License. Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6% ) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair, conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6% ) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6% ) alcohol by volume from the stands while the fair is being held.
- (2) Application. Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Administrator together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall,

upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. 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 for events of more than three (3) 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.

- (g) **Wholesalers license.** A wholesaler's fermented malt beverage license, when issued by the Village Administrator 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.

Cross Reference: Section 7-2-17.

#### **SEC. 7-2-5 LICENSE FEES.**

There shall be the following classes of licenses which, when issued by the Village Administrator under the authority of the Village Board after payment of the license fee and publication costs hereinafter specified shall permit the holder to sell, deal traffic in intoxicating liquors or fermented malt beverages as provided in Section 7-2-4 of this Code of Ordinances and Chapter 125, Wis. Stats.:

- (a) **Class "A" Fermented Malt Beverages Retailer's license.** The annual fee for this license shall be as established in the Schedule of Village License Fees. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage license.** The annual fee for this license shall be as established in the Schedule of Village license Fees. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued. Club licenses, as defined in Sec. 125.32(4)(b), Wis. Stats., shall be issued for a fee of Five Dollars (\$5.00) annually.
- (c) **Temporary Class "B" Fermented Malt Beverage license.** The fee for this license shall be as established in the Schedule of Village license Fees per event.
- (d) **Temporary "Class "B" Wine license.** The fee for this license shall be as established in the Schedule of Village License fees per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage license.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be as established in the Schedule of Village of License Fees.
- (f) **Class "A" Intoxicating liquor Retailer's license.** The annual fee for this license shall be as established in the Schedule of Village License Fees.
- (g) **Class "B" Intoxicating liquor Retailer's license.** The annual fee for this license shall be as established in the Schedule of Village License Fees. This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

#### **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 Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Administrator 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, of a corporation.

- (c) **Publication.** The Village Administrator shall publish each application for a Class "A", Class "B", "Class A" or "Class B" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (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.
- (e) **License Quotas.** Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law and this Chapter.

#### **SEC. 7-2-7 QUALIFICATIONS OF APPLICANTS AND PREMISES.**

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (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.** licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
  - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - (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 Administrator a statement of transfers of stock within forty-eight (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 Sec. 125.12, Wis. Stats., when more than fifty percent (50%) 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) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), WIS. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.
- (g) **Separate License Required for Each Place of Sale.** A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

#### **SEC. 7-2-8 INVESTIGATION.**



The Village Administrator shall notify the Chief of Police and the Fire 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 Administrator in writing, who shall forward to the Village Board, 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) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.
- (b) 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 local 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.
- (c) Consideration for the granting or denial of a license will be based on:
  - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
  - (2) The financial responsibility of the applicant;
  - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

#### **SEC. 7-2-10 GRANTING OF LICENSE.**

- (a) 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 Administrator 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.
- (b) If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall be mailed or served upon the applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

#### **SEC. 7-2-11 TRANSFER AND LAPSE OF LICENSE.**

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises 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 Administrator. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Village Administrator shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the licensee, the purchaser of such business or business premises must apply to the Village for re-issuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the licensee shall give the Village Administrator written notice of said replacement, the reasons therefor 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 Administrator 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 of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village.

#### **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 Administrator 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", Class "B", "Class A " and "Class 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" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, 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" or Class "B" license, at all times, the licensee, members of the licensee's immediate family who have attained the legal drinking age, and/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" or Class "B" license unless he possesses

an operator's license, or there is a person with an operator's license upon said premises at the time of such service.

- (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", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (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 maintenance 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 three hundred (300) feet thereof by any school building, hospital building or church building.
- (g) **Clubs.** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- (h) **Gambling Prohibited.** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- (i) **Credit Prohibited.** No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, ware, merchandise or other articles in exchange for alcohol beverages.
- (j) **Licensee or Permittee Responsible for Acts of Help.** A violation of this Chapter by a duly authorized agent or employee of a licensee or permittee under this Chapter shall constitute a violation by the licensee or permittee. Whenever any licensee or permittee under this Chapter shall violate any portion of this Chapter, proceedings for the suspension or revocation of the license or permit of the holder thereof may be instituted in the manner prescribed in this Chapter.
- (k) **Improper Exhibitions.** It shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:
  - (1) Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (2) Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
  - (3) Exposes any portion of the female breast at or below the areola thereof; or
  - (4) Engages in or simulates sexual intercourse and/ or any sexual contact, including the touching of any portion of the female breast or the male and/ or female genitals.

Annotation: See Colonnade Catering Col12. 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.**

Closing hours shall be established in conformance with Sec. 125.32(3), Wis. Stats., and further restricted as follows:

- (a) **Class "B" Licenses.**
  - (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st. .

- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(l) above.
- (b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A " or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

**SEC. 7-2-16 RESTRICTIONS ON TEMPORARY FERMENTED MALT BEVERAGE OR WINE LICENSES.**

It shall be unlawful for any person or organization on a temporary basis to sell or offer to sell any alcohol beverage upon any Village-owned property or privately-owned property within the Village of Edgar, except through the issuance of a Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License issued by the Village Board in accordance with Wisconsin Statutes and as set forth in this Section. A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on Village-owned property or privately-owned property may be authorized by the Village Board provided the following requirements are met:

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26 (6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-5-1.
- (b) **Posting of Signs and licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.** If necessary due to the physical characteristics of the site, the Village Board shall require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences. A single eight (8) foot chain link fence may be used to meet the fence requirement
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine 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 license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Edgar. The applicant may be required to furnish a performance bond prior to being granted the license.
- (h) **Permitted Cups Only.** Intoxicants will be sold only in foam or plastic cups.
- (i) **Additional Requirements.** In addition, requesting organizations shall comply with the following:
  - (1) When the event sponsored by the requesting organization is to take place on Village park property, the organization shall work closely with the Village officials in locating setting up and identifying the size of the snow fence area. Such information shall be made part of the temporary Class "B" permit application.
  - (2) When the event sponsored by the requesting organization is to take place on Village-owned property other than park property and/or privately owned property, the organization shall work closely with the Police Department in locating and setting up the

snow fence. area. The Chief of Police shall work closely with the requesting organization in identifying the size of the fenced-in area and the exact location. Such information shall be made part of the temporary Class "B" permit application. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. It shall contain adequate sanitary facilities to accommodate the size of the group.

Cross Reference: Section 11-5-1.

#### **SEC. 7-2-17 REVOCATION AND SUSPENSION OF LICENSES; NON-RENEWAL.**

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, 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 any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.
- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed in Chapter 125, Wis. Stats.

#### **SEC. 7-2-18 NON-ALCOHOL EVENTS FOR UNDERAGE PERSONS ON LICENSED PREMISES.**

The presence of underage persons on a licensed premises as provided under Sec. 125.07(3)(a)10, Wis. Stats., shall be subject to the following:

- (a) The licensee or agent of a corporate licensee shall notify the Police Department at least forty-eight (48) hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such non-alcohol event notice shall specify the date(s) on which the event is to occur and the time(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.
- (c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.
- (d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be either disconnected, disabled or made inoperable.

#### **SEC. 7-2-19 BEER GARDEN LICENSES REQUIRED FOR OUTDOOR CONSUMPTION AT CLASS "B" PREMISES.**

- (a) **Required for Outdoor Consumption.** No licensee shall permit the consumption of the 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 premises 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 percent (50%) 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 Applications.** All property owners within one hundred fifty (150) feet of the proposed beer garden shall be notified of the 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. 7-2-20 THROUGH SEC. 7-2-29 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Operator's License

#### SEC. 7-2-30 OPERATOR'S LICENSE REQUIRED.

- (a) **Operator's licenses; Class "A" or Class "B" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any person holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.
- (b) **Use by Another Prohibited**
- (1) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.
  - (2) The license or permit of a person who violates Subsection (b)(1) above shall be revoked.

State Law Reference: Secs. 125.17 and 125.32, Wis. Stats.

#### SEC. 7-2-31 PROCEDURE UPON APPLICATION.

- (a) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Administrator only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village.
- (b) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend, in writing, to the Village Board approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

#### SEC. 7-2-32 DURATION.

Licenses issued under the provisions of this Chapter shall be valid for a period of one (1) year and shall expire on the thirtieth (30th) day of June of each year.

#### SEC. 7-2-33 OPERATOR'S LICENSE FEE; PROVISIONAL LICENSE.

- (a) **Fee.** The fee for an operator's license or provisional license shall be as established in the Schedule of Village License Fees.
- (b) **Provisional License.** The Village Administrator may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty

(60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Village Administrator, may upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program. A provisional license may not be issued to any, person who has been denied an operator's license by the Village Board or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The Village Administrator shall provide an appropriate application form to be completed in full by the applicant. The Village Administrator may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

#### **SEC. 7-2-34 ISSUANCE OR DENIAL OR OPERATOR'S LICENSES.**

- (a) After the Village Board approves the granting of an operator's license, the Village Administrator shall issue the license. Such licenses shall be issued and numbered in the order they are wanted and shall give the applicant's name and address and the date of the expiration of such license.
- (b)
  - (1) If the application is denied by the Village Board, the Village Administrator shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted. .
  - (2) If, upon reconsideration, the Board again denies the application, the Village Administrator shall notify the applicant in writing of the reasons therefore. An applicant who is deemed any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125. 12(2)(d), Wis. Stats., for review.
- (c)
  - (1) Consideration for the granting or denial of a license will be based on:
    - a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
    - b. The financial responsibility of the applicant;
    - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
    - d. Generally, the applicant's fitness for the trust to be reposed.
  - (2) If a licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

#### **SEC. 7-2-35 TRAINING COURSE.**

- (a) Except as provided in Subsection (b) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills one of the following requirements:
  - (1) The person is renewing an operators license.



- (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A" or "Class B" license or permit or a manager's or operator's license.
- (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

NOTE: This Section shall take effect July 1, 1991.

**SEC. 7-2-36 DISPLAY OF LICENSE.**

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

**SEC. 7-2-37 REVOCATION OF OPERATOR'S LICENSE.**

Violation of any of the terms or provisions of the State law or 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. 7-2-38 THROUGH SEC. 7-2-39 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Penalties

#### **SEC. 7-2-40 PENALTIES.**

- (a) Forfeitures for violations of Secs. 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 Edgar, 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 Edgar, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Edgar.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

## CHAPTER 3

### Cigarette License

#### 7-3-1 Cigarette License

##### **SEC. 7-3-1 CIGARETTE LICENSE.**

- (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 therefor, 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 Administrator a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Administrator 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 Administrator a license fee as established in the Schedule of Village License Fees.
- (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 therefor shall be issued by the Village Administrator. 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 30<sup>th</sup> unless sooner revoked for any violation of this Section.

State Law Reference: Sec. 134.65, Wis. Stats.

## CHAPTER 4

### Direct Sellers

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 Direct Sellers
7-4-8	Records
7-4-9	Revocation of Registration

#### SEC. 7-4-1 REGISTRATION REQUIRED.

It shall be unlawful for any direct seller to engage in direct sales within the Village of Edgar without being registered for that purpose as provided herein.

#### SEC. 7-4-2 DEFINITIONS

In this Chapter:

- (a) **Direct Seller** means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) **Permanent Merchant** means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
  - (1) Has continuously operated an established place of business in this Village; or
  - (2) Has continuously resided in this Village and now does business from his/her residence.
- (c) **Goods** shall include personal property of any kind and shall include goods provided incidental to services offered or sold.
- (d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.
- (e) **Clerk** shall mean the Village of Edgar Administrator.
- (f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

#### SEC. 7-4-3 EXEMPTIONS.

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;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (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 local place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;

- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable or civic organization, or local students, who engage in direct sales for or on behalf of said organization, provided that there is submitted to the Village Administrator proof that such charitable organization is registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter;
- (g) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Administrator that such person is a transient merchant, provided that there is submitted to the Village Administrator proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.

**SEC. 7-4-4 REGISTRATION.**

- (a) Applicants for registration must complete and return to the Village Administrator a registration form furnished by the Administrator which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any;
  - (2) Height, weight, color of hair and eyes, and date of birth;
  - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
  - (4) Temporary address and telephone number from which business will be conducted, if any;
  - (5) Nature of business to be conducted and a brief description of the goods offered and any services offered;
  - (6) Proposed method of delivery of goods, if applicable;
  - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
  - (8) Last cities, villages, town, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
  - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
  - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.
- (b) Applicants shall present to the Village Administrator for examination:
  - (1) A driver's license or some other proof of identity as may be reasonably required;
  - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
  - (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) Registration Fee.
  - (1) At the time the registration is returned, a fee as prescribed in the Schedule of Village license Fees shall be paid to the Village Administrator to cover the cost of processing said registration. Each member of a group must file a separate registration form. Transient merchants/direct sellers may employ two (2) assistants without payment of an additional license fee, but such persons must comply with the other registration provisions of this Section.

- (2) The applicant shall sign a statement appointing the Village Administrator his agent to accept service of process any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
- (3) Upon payment of said fee and the signing of said statement, the Village Administrator shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period specified in the permit from the date of entry, not to exceed one (1) month, subject to subsequent refusal as provided in Section 7-4-5(b) below.

**SEC. 7-4-5 INVESTIGATION.**

- (a) Upon receipt of each application, the Village Administrator may refer it immediately to the Chief of Police who may make and complete an investigation of the statements made in such registration.
- (b) If the Chief of Police determines from his investigation of said application that the interests of the Village or of inhabitants of the Village require protection against possible misconduct of the licensee or that the applicant is otherwise qualified but, due to causes beyond his control, is unable to supply all of the information required by this Chapter, he may require the applicant to file with the Village Administrator a bond in the sum of Five Hundred Dollars (\$500.00) with surety running to the Village conditioned that he will fully comply with the Ordinances of the Village and laws of the State relating to peddlers, canvassers or transient merchant and guaranteeing to any citizen of the Village of Edgar; doing business with him that the property purchased will be delivered according to the representations of applicant, provided that action to recover on any such bond shall be commenced within six (6) months after the expiration of the license of the principal.
- (c) The Village Administrator shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

**SEC. 7-4-6 APPEAL.**

Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Village Board or, if none has been adopted, under the provisions of Sections 68.07 through 68.16, Wis. Stats.

**SEC. 7-4-7 REGULATION OF DIRECT SELLERS.**

**(a) Prohibited Practices.**

- (1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 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 direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.

- (3) No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
  - (4) No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
  - (5) No direct seller shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.
- (b) **Disclosure Requirements.**
- (1) After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of goods or services he offers to sell.
  - (2) The any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) 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 direct seller takes a sales order for the later delivery of goods, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and if so, the terms thereof.

**SEC. 7-4-8 RECORDS.**

The Chief of Police shall report to the Village Administrator all convictions for violation of this Chapter and the Village Administrator 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 statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct 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 direct selling.
- (b) Written notice of the hearing shall be served personally on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

## CHAPTER 5

### Dance license

7-5-1 Dance licenses

#### SEC. 7-5-1 DANCE LICENSES.

- (a) **License Required.** No person shall conduct, establish or manage any dance hall, road house, amusement park or place of amusement and permit dances therein unless a license is first secured. No person shall hold, conduct or be present at a public dance within the Village of Edgar, except such as may be held within a public dance hall or pavilion or on premises duly licensed to be used as such under the provisions of this Section.
- (b) **Definitions.**
- (1) **Public Dance** means any dance at which admission can be had by the public generally, upon payment of an admission fee or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for the caring of clothing or other property, or any other dance to which the public generally, without restriction, may gain admission with or without payment of a fee, or a dance operated for profit.
  - (2) **Public Dance Hall** means any room, place or space at which a public dance may be held, or any dance hall or academy in which classes in dancing are held for hire, and shall include any room, place or space where food or refreshments are served and where dancing takes place which is open to the public and any room, place or space where food or refreshments are served which is conducted in connection with any room, place or space where dancing is held and which is open to the public, except that no public dance within the meaning of this Section shall be held or conducted in any barn, granary, machine shed or other farm buildings excepting the farm dwelling place, and except that no public dance shall be held or conducted in or on the premises where there is located a licensed tavern, unless the space allotted for dancing shall be separated from the bar room by a partition and connected by archway or door, and such space for dances shall not contain less than two hundred (200) square feet of floor space, and such room having dancing shall first meet the requirements of the State Department of Industry, Labor and Human Relations relative to heating, ventilation and sanitation before such establishment shall be granted a dance hall license.
  - (3) **Dance Inspector** shall mean a person appointed by the Village President in accordance with this Section and as sometimes referred to herein as "inspector."
- (c) **Exceptions.** Neither the term "public dance" nor the term "public dance hall" shall apply to a dance conducted in a church or parochial school hall or to such a place when conducted under the auspices of the proper church authorities, nor to any dance conducted by a parent-teacher association, or any kindred association, in conformity to law, nor to any dance conducted by any recognized fraternal society when conducted in conformity to the rules of such association or society, nor to the place at which the same may be held.
- (d) **Dance Hall License.** Application for a license for a public dance hall may be made by a petition filed by the owner or tenants of the premises for which a license is sought directed to the Village Board, and accompanied by a license fee as established in the Schedule of Village License Fees. Such license shall be granted by the Village Board by a majority vote in favor and shall be denied otherwise provided that between sessions of the Village Board, such license may be granted by the President of the Village Board, subject to approval by the Board at its next meeting.
- (e) **Dance Permit.** No person shall hold or conduct a public dance, except in compliance with a written permit to be issued by the Village Administrator upon application made at least three (3) days prior to the date of the holding of such public dance and payment to the Village Administrator of such amounts determined in accordance with Subsection (i) hereof. The Village Administrator shall issue permits for dances to be held only at licensed dance halls. The permittee shall be required to have a special police officer, at his cost, at all dances at which alcoholic beverages are served.
- (f) **Hours.** Public dances may not be held after 1:00 a.m.



## CHAPTER 6

### Massage Establishments

7-6-1	Definitions
7-6-2	License Required
7-6-3	Application and Fee
7-6-4	Application for License for Massage Establishment
7-6-5	License
7-6-6	Construction and Maintenance Requirements for Massage Establishments
7-6-7	Permit for Masseur or Masseuse
7-6-8	Application for Masseur or Masseuse
7-6-9	Issuance of Permit for Masseur or Masseuse
7-6-10	Hours of Operation
7-6-11	Enforcement and Penalties

#### SEC. 7-6-1 DEFINITIONS.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) **Massage.** Any method of pressure on, friction against or stroking, kneading, rubbing, tapping, pounding, bathing, touching, binding, painting, irritating or stimulating of external parts of the body with hands or with the aid of any manual, mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptic oils, powder, crèmes, lotions, soaps, ointments or other similar preparations commonly used in this practice.
- (b) **Massage Establishment.** Any establishment having its place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged or carried on, any of the activities mentioned in Subsection (a) hereof.
- (c) **Massage Services.** The providing of a massage or massages by any person, firm, association or corporation.
- (d) **Masseur or Masseuse.** Any person who, for any consideration whatever, engages in the practice of massage as above defined.
- (e) **Employee.** Any and all persons other than masseurs or masseuses who render any service for the licensee and who receive compensation directly from the licensee but have no physical contact with customers or clients.
- (f) **Persons.** Any individual, co partnership, firm, association, joint stock company, corporation or any combination of individuals of whatever form or character .
- (g) **Licensee.** The operator of a massage establishment.

#### SEC. 7-6-2 LICENSE REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, upon any premises in the Village of Edgar, the operation of a massage establishment as herein defined without first having obtained a license from the Village Administrator which shall be issued upon written application and which shall be subject to cancellation as hereinafter provided. Specifically excluded under this Chapter are properly licensed chiropractors.

#### SEC. 7-6-3 APPLICATION AND FEE.

- (a) Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in triplicate, under oath, with the Village Administrator upon a form provided by the Village and pay a fee as established in the Schedule of Village license Fees to the Village who shall issue a receipt which shall be attached to the application filed with the Administrator and the Chief of Police. The Village Administrator shall forthwith refer copies of such application and all additional information to the Building and Fire Inspectors. These officials shall, within thirty (30) days, inspect

the premises proposed to be operated as massage establishment and make recommendations to the Village Board concerning compliance with Village Ordinances. After review by the Village Board pursuant to Section 7-6-5, the Administrator shall notify the applicant as to whether his application has been granted, denied or held for further investigation or corrective action. The period held for corrective action or additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. At the conclusion of such period or such longer period if agreed to, the Administrator shall advise the applicant in writing as to whether the application has been granted or denied. If the application is denied, the Administrator shall advise the applicant in writing of the reason for such denial.

- (b) The failure or refusal of the applicant to give any information relevant to the investigation of the application within a reasonable time, or the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding said application, or the refusal of the applicant to submit to or cooperate with any inspection required by this Section shall be grounds for denial of the application.

#### **SEC. 7-6-4 APPLICATION FOR LICENSE FOR MASSAGE ESTABLISHMENT.**

The application for a license to operate a massage establishment shall set forth the services to be administered and the proposed place and facilities thereof. In addition thereto, any applicant for a license, which shall be the sole proprietor, if a sole proprietor applicant, a partner, if a partnership applicant, and the designated agent, if a corporate applicant, shall furnish the following information:

- (a) Written proof that each individual is at least eighteen (18) years of age.
- (b) Current residential addresses.
- (c) Whether the individual has had any license denied, revoked or suspended elsewhere for a massage establishment, the reason therefor, and the business activities or occupation of the individual subsequent to each suspension, revocation or denial.
- (d) Satisfactory proof that the applicant has been a resident of the State of Wisconsin for at least one (1) year and of the county for at least ninety (90) days.

#### **SEC. 7-6-5 LICENSE.**

- (a) Upon receipt of the recommendations of the respective agencies and with the information contained in the application, together with all additional information provided therein, the Village Board may issue, after receipt of the recommendations of the respective Village departments and public hearing, a license to maintain, operate or conduct a massage establishment, unless the Board finds:
  - (1) That the operation of the massage establishment as proposed by the applicant, if permitted, would not comply with the applicable laws of the State of Wisconsin and the Village, including but not limited to the building, health, planning, housing, fire prevention and zoning codes of the Village.
  - (2) That the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been convicted of a felony.
  - (3) That the operation of the massage establishment as proposed by the applicant, if permitted, would violate the provisions of this Chapter.
- (b) The license provided herein shall be for a period of one (1) year from date of application unless sooner suspended or revoked. Such license must be renewed annually.

#### **SEC. 7-6-6 CONSTRUCTION AND MAINTENANCE REQUIREMENTS FOR MASSAGE ESTABLISHMENTS.**

Any massage establishment as defined herein shall construct its facilities and maintain same in accordance with the following regulations:

- (a) All massage parlors, and all restrooms used in connection therewith shall be constructed of materials and maintained so that they are impervious to moisture, bacterial, mold or fungal growth.
- (b) Shower rooms must be finished in tile or equal material with proper floor drains,

- (c) Each massage establishment shall have a janitor's closet which shall be provided for the storage of cleaning supplies.
- (d) Floors, walls and equipment in massage parlors, restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and sanitary at all times. Linens and other materials shall be stored at least six (6) inches off the floor. Sanitary towels, washcloths, cleaning agents and toilet tissue must be available for each customer.
- (e) Individual lockers shall be made available for use by each customer. Such lockers shall have a separate key for locking.
- (f) Doors on massage rooms shall not be locked, but shall contain an adequate door latch for privacy. All massage rooms shall be clearly identified by door plates or signs.
- (g) Each massage establishment shall have approved fire extinguishers and fire exits designed by fire exit signs.
- (h) If any provision of this Section is inconsistent with a comparable and applicable provision of the building code, the provision of the building code shall govern to the extent of such inconsistency.
- (i) The establishment shall permit inspection of the premises at any time during business hours by Building Inspectors, Fire Inspectors and law enforcement officers.
- (j) Entrance doors during business hours shall be open to the public the same as any other business.

**SEC. 7-6-7 PERMITS FOR MASSEUR OR MASSEUSE.**

Any person who engages in the practice of massage as herein defined shall file an application for a permit as a masseur or masseuse, which application shall be filed with the Village Administrator upon the form provided by the Village and shall pay a nonrefundable fee as established in the Schedule of Village license Fees.

**SEC. 7-6-8 APPLICATION FOR MASSEUR OR MASSEUSE.**

The application for a permit for a masseur or a masseuse shall contain the following:

- (a) Name and residence.
- (b) Social Security number.
- (c) Written evidence that the applicant is at least eighteen (18) years of age.
- (d) The applicant shall further undergo a physical examination and present the written results thereof for contagious and communicable diseases which shall include a test or tests which will demonstrate freedom from tuberculosis, and each test shall have been made by a licensed physician and all laboratory tests shall be in licensed laboratories. The applicant shall then present a certificate with the results of each such examination signed by a licensed physician, stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others. Each applicant shall undergo the physical examination provided herein and present to the Village Administrator the certificate required herein prior to the commencement of employment and at least once each twelve (12) months thereafter.

**SEC. 7-6-9 ISSUANCE OF PERMIT FOR MASSEUR OR MASSEUSE.**

- (a) The Village Administrator shall direct the issuance of a permit for a masseur or masseuse upon receipt of completed application and upon receipt of certificate of examination stating that the person examined is either free from any contagious or communicable disease or is incapable of communicating any such disease to others.
- (b) Said permit is subject to cancellation if the applicant has failed to provide all of the information required by this Chapter or has provided fraudulent information.
- (c) Each permit for a masseuse, pursuant to this Chapter, and any renewal shall be for a one (1) year term and shall be displayed by the permit holder while engaged in his or her employment.

**SEC. 7-6-10 HOURS OF OPERATION.**

No massage establishment in the Village shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. except during that period of the year for which the standard of time is advanced under the Wisconsin Statutes when the premises shall be closed between 2:00 a.m. and 8:00 a.m.

**SEC. 7-6-11 ENFORCEMENT AND PENALTY.**

- (a) **Interference.** No person shall prevent, resist or interfere with any of the officers or employees of the Village in the entering of any premises or the carrying out of their duties as Village officials or employees.
- (b) **Penalties.** Any person violating any provision of this Chapter, including those provisions of the Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one (1) or all of the following penalties; provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Chapter exceed the maximum fine for the same offense under the laws of the State of Wisconsin.
  - (1) Any license or permit issued pursuant to this Chapter may be suspended by the Police Chief without hearing for not more than thirty (30) days
  - (2) Any license or permit issued pursuant to this Chapter may be suspended more than thirty (30) days or revoked by the Village Board after allowing the licensee or permittee a hearing on notice.
  - (3) Any license or permit issued pursuant to this Chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.
  - (3) Any person who shall violate any provisions of this Chapter shall be subject to the general penalty provisions of this Code of Ordinances as provided in Section 1-1-6.

## CHAPTER 7

### Regulation and licensing of Fireworks

7- 7-1 Regulation of Fireworks

#### SEC. 7-7-1 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, watercraft 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 (36) 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 municipality; 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. There shall be no fee for such permit.
  - (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 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (3) Who May Obtain Permit. 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. 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 shall 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 shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the office of the Village Administrator.
- (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 on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
  - (2) Smoking Prohibited. No person may smoke where fireworks are store 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 five hundred (500) feet of a dwelling.
  - (5) Restriction on Storage. No person may store fireworks within five hundred (500) feet of a public 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: Sec. 101(1)(j), Wis Stats.

## CHAPTER 8

### Street Use Permits

7-8-1 Street Use Permits

#### SEC. 7-8-1 STREET USE PERMITS.

- (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 Administrator may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter 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 Administrator and shall be filed with the Village Administrator. 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 approximate 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 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) **Review by Chief of Police.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by the Chief of Police for his recommendation as to the affect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (e) **Mandatory Denial of Street Use Permit.** An application for a Street Use Permit shall be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
  - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
  - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
  - (4) The application for a Street Use Permit does not contain the information required above.
  - (5) The application requests a period for the use of the street in excess of eight (8) hours.
  - (6) The proposed use could equally be held in a public park or other location, in addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (f) **Permit Fee.** Each application for a Street Use Permit shall be accompanied by fee as established in the Schedule of Village License Fees,
- (g) **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by

Civic, youth or scout organizations which have been in existence for at least six (6) months, 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 percent (75%) 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 Edgar, 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 consent to the Village of Edgar to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Edgar shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than six (6) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

We designate \_\_\_\_\_ as the responsible person or persons who shall apply for an application for a Street Use Permit.

- (h) **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 Edgar. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (i) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be 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 Edgar. 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 9

### Regulation of Nonmetallic Mining

7-9-1	Statutory Provisions Adopted
7-0-2	Definitions
7-9-3	Existing Nonmetallic Mining Operations
7-9-4	Exempt Activities
7-9-5	Permit Required for Nonmetallic Mining
7-9-6	Permit Revocation
7-9-7	Blasting and/or Rock Crushing

#### **SEC. 7-9-1 STATUTORY PROVISIONS ADOPTED.**

This Chapter is adopted pursuant to Sec. 66.038, Wis. Stats., which is adopted by reference and made a part of this Chapter as if fully set forth herein.

#### **SEC. 7-9-2 DEFINITIONS.**

As used in this Chapter:

- (a) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) **Nonmetallic Mining or Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) **Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) **Nonmetallic Mining Site or Site.** The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.
- (e) **Operator.** Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) **Reclamation.** The rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.
- (g) **Replacement of Topsoil.** The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

#### **SEC. 7-9-3 EXISTING NON-METALIC MINING OPERATIONS.**

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including un-reclaimed portions of a site which were mined prior to the effective date of this Chapter .

#### **SEC. 7-9-4 EXEMPT ACTIVITIES.**

This nonmetallic mining reclamation Chapter shall not apply to the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes.
- (e) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats.
- (f) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

#### **SEC. 7-9-5 PERMIT REQUIRED FOR NONMETALIC MINING.**

- (a) **Permit Required.** No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be as established in the Schedule of Village License Fees plus any actual Village administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) **Required Permit Information.** An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
  - (1) An adequate description of the operation, including a legal description of the property;
  - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
  - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
  - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
  - (5) Methods of screening from adjacent properties;
  - (6) Hours of operation;
  - (7) Dust and noise control;
  - (8) Maximum depth;
  - (9) Blasting procedures;
  - (10) Location and height of stockpiles; and
  - (11) Such other information the Village Board deems pertinent to the operation.
- (c) **Reclamation Plan.** The reclamation plan shall contain adequate provision that:
  - (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
  - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
  - (3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;
  - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
  - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
  - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.

- (d) **Applications.** All applications for a license hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Administrator. All applications for permits hereunder shall be signed by the applicant and filed with the Village Administrator at least sixty (60) days prior to the licensing period. The Administrator shall immediately refer all applications for a license hereunder to the Village Board for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Village Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Village Board may approve, approve conditionally or reject the application and reclamation plan.
- (e) **Financial Assurance.** Before a license and reclamation plan is approved by the Village Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Village Board.
  - (2) Guaranteed completion of the required reclamation within a period determined by the Village Board.
  - (3) Payment by the operator for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Village Engineer and Attorney, as well as other costs of a similar nature.
  - (4) The Village may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
  - (5) The required 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 reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Village Board, at its option, may extend the bond period for additional periods.
- (f) **Fences.** Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- (g) **Inspection.** An authorized agent of the Village may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter .
- (h) **Prohibitions and Orders.** Nonmetallic mining operations within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.
- (i) **Enforcement Officer.** The Village Administrator shall be responsible for the enforcement of this Chapter .

#### **SEC. 7-9-6 PERMIT REVOCATION.**

If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Village Board.

#### **SEC. 7-9-7 BLASTING AND/OR ROCK CRUSHING.**

- (a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:

- (1) **Blasting.** A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.
  - (2) **Person.** Any individual, partner, corporation, company, trustee or association together with the respective servants, agents and employees thereof.
  - (3) **Rock Crusher.** Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.
- (b) **Operation.** No person within the Village shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Village. All blasting within the Village shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.
- (c) **Permit.**
- (1) **Permit Required.** No person within the Village shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Village.
  - (2) **Applications.** All applications for permits hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Administrator. All applications for permits hereunder shall be signed by the applicant and filed with the Village Administrator at least s. (60) days prior to the licensing period. The Village Administrator shall immediately refer all applications permits hereunder to the Village Engineer. The Village Administrator shall issue a permit hereunder only after first receiving the recommendation of the Village Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Village Engineer.
  - (3) **Certified Check.** Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the Village.
  - (4) **Plan of Operation.** Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the Village Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the Village Engineer .
  - (5) Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the Village of Edgar as a party insured in the amount of Five Hundred Thousand Dollars (\$500,000.00) for damage to property, and Five Hundred Thousand Dollars (\$500,000.00) for injury to one (1) person and One Million Dollars (\$1,000,000.00) for injury to more than one (1) person caused by the blasting.
- (d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection (c) above.
- (e) **Blasting Procedures and Controls.**
- (1) **Energy Ratio.** The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:  
  

$$\text{Energy ratio} = 0.5 = 10.823 f^2 A^2$$
 where: f = frequency in cycles per second, A = amplitude or displacement in inches  
  

$$\text{Energy ratio} = .274 V^2$$
 (V = resultant particles velocity expressed in inches per second)
  - (2) **Measurement of Blasts.** The operator of the quarry operation, when requested to do so by the Village Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the

Village Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the Village or by the Village Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.

- (3) **Blasting Log.** A log in duplicate shall be kept of each blast on forms similar to the one on file with the Village Administrator. The original copy of this blasting log shall be filed with the Administrator within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.
- (4) **Cover Material.** Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot (1') of dirt or other suitable cover material.
- (f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:
  - (1) Quarries using blasting to supply buildings and/or ornamental stone: As established in the Schedule of Village license Fees.
  - (2) Gravel crushing operations using portable or fixed crushing equipment less than thirty (30) days per year: As established in the Schedule of Village license Fees.
- (g) **Penalty.** Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- (h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for non-renewal or revocation and shall have an opportunity to be heard before the Village Board.

## CHAPTER 10

### Miscellaneous Business licenses

7-10-1 Transient and Temporary Public Entertainments

#### SEC. 7-10-1 TRANSIENT AND TEMPORARY PUBLIC ENTERTAINMENTS.

- (a) **License Required.**
- (1) No person shall maintain or operate any transient or temporary public entertainment within the Village without first obtaining a license therefore as hereinafter provided.
  - (2) This Section does not require a license for the conducting of fairs, lectures, concerts, exhibitions or entertainments of a scientific, historical, political, literary or musical character for humane, religious, charitable or scientific purposes.
- (b) **Definition.** A transient or temporary public entertainment is one to which the public may gain admission by payment of an admission charge. It includes shows, circuses, exhibitions, carnivals and vaudeville.
- (c) **Application.** Application for carnival licenses shall be made by the applicant to the Administrator in writing at least ten (10) days before the planned event and all of the information regarding insurance, etc., shall be filed within ten (10) days and referred to the Village Board for examination of the qualifications, character and reputation of the applicant, and of the desirability of permitting the carnival to operate, show or exhibit in the Village.
- (d) **Requirements.**
- (1) Insurance Required. No license shall be granted unless the applicant therefor shall have filed with the Administrator a public liability insurance policy in a sum as set by the Village Board from time to time, with the condition that the applicant shall indemnify and save harmless the Village and its officers and agents and citizens against any injuries and damages resulting or arising from the conducting of any carnival for which the license is issued or from the performance by the applicant or his agents of any negligence incident to or connected with the conduct of such carnival, and that the applicant shall pay all judgments, costs and charges that may be recovered against the Village or any of its officers or agents by reason of the conducting of such carnival.
  - (2) License Fees Required. No permit shall be issued unless the applicant shall pay permit fee for the operation or maintenance of a public entertainment as established in the Schedule of Village License Fees.
  - (3) Posting of License. Such permits when issued shall be prominently displayed while the carnival is in operation.
  - (4) Inspection of Mechanical Devices. The applicant shall indicate the date of the last State inspection of rides, merry-go-rounds and other mechanical devices. The Village reserves the right to require inspections of all mechanical devices that would be available to the public. All inspection costs shall be paid for by the licensee.
- (e) **Revocation.** Any license granted by the Village Board under the provisions of this Section may be revoked by the Village President provided such carnival shall not be maintained or if the person who maintains, owns, controls or operates such carnival shall permit the violation of any provisions of this Municipal Code or State laws or where, in the opinion of the Village President, the carnival is deemed undesirable. Revocations or suspensions may be appealed to the Village Board.

## CHAPTER 11

### Licensees to Pay Local Claims; Appellate Procedures

7-11-1 Licensees Required To Pay Local Taxes, Assessments and Claims; Appellate Procedures

#### SEC. 7-11-1 LICENSES REQUIRED TO PAY LOCAL TAXES, ASSESSMENTS AND CLAIMS.

- (a) **Payment of Claims.** The Village shall not issue or renew any license to transact any business within the Village of Edgar:
- (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
  - (3) For any person who is delinquent in payment:
    - a. Of any taxes, assessments or other claims owed the Village; or
    - b. Of any forfeiture resulting from a violation of any Village Ordinance.
- (b) **Exception.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapter I.
- (c) **Applicability.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearings.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time.
  - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for non-renewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.
- (e) **Appeals of Other Denials.** Where an individual, business or corporation wishes to appeal the Village Administrator's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Administrator that the matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

## CHAPTER 12

### Schedule of Village license Fees

7-12-1 License Fees Established

**SEC. 7-12-1 FEE ESTABLISHED.**

A license shall be required for each of the following businesses or activities at the indicated license fee which shall be for one (1) year unless otherwise indicated.

<u>CODE SECTION</u>	<u>TYPE OF LICENSE</u>	<u>FEE</u>
Sec.7-1-3(a)(3)	Spayed female or neutered male dogs or cats	\$2.00
Sec.7-1-3(a)(3)	Un-spayed or un-neutered dogs or cats	\$5.00
Sec.7-1-3(b)(1)	Dog kennel license, twelve (12) or fewer dogs	\$30.00, plus \$3.00 for each dog in excess of twelve (12)
Sec.7-2-5(a)(1)	Retail Class "A" Intoxicating	\$50.00, plus Liquor license publication fee of \$8.00
Sec.7-2-5(a)(2)	Retail Class "B" Intoxicating liquor license	\$75.00, plus publication fee of \$8.00
Sec.7-2-5(a)(3)	Retail Class "A" Fermented Malt Beverage	\$50.00, plus license publication fee of \$8.00
Sec.7-2-5(a)(4)	Retail Class "B" Fermented Malt Beverage license	\$75.00 or three-fourths (3/4) of that amount for a six (6) month period, plus publication fee of \$8.00
Sec.7-2-5(a)(5)	Special Class "B" Fermented Malt Beverage or Wine Picnic license	\$10.00 per day
Sec.7-2-5(a)(6)	Wholesaler's license	\$25.00
Sec.7-2-17(a)	Beer Garden license	\$25.00



<u>CODE SECTION</u>	<u>TYPE OF LICENSE</u>	<u>FEE</u>
Sec.7-2-23	Operator's License	\$20.00
Sec.7-2-23	Provisional Operator's License	\$2.00
Sec.7-3-1	Pharmacist's Permit	\$5.00
Sec. 7-3-2	Cigarette License	\$5.00
Sec.7-4-4(c)	Direct Seller/Solicitor	\$5.00 per day
Sec.7-5-1(d)	Dance Hall License	\$25.00 annually or \$10.00 per event
Sec.7-6-3(a)	Massage Establishment	\$100.00 Application Fee
Sec.7-6-7	Masseur/Masseuse Original	\$25.00 Application
Sec.7-6-7	Masseur/Masseuse Renewal Fee	\$25.00
Sec.7-8-1(f)	Street Use Permit	\$10.00 (i.e., block party)
Sec.7-10-5	Nonmetallic Mining	\$50.00 plus actual administrative costs
Sec.7-10-7(f)(1)	Quarries	\$20.00
Sec.7-10-7(f)(2)	Gravel Crushing Operations	\$20.00
Sec.7-11-1(d)(2)	Carnivals/Circuses	\$25.00
Sec.7-11-1(d)(2)	Other Public Entertainments	\$25.00

## TITLE 8

### Health and Sanitation

Chapter 1	Health and Sanitation
Chapter 2	Pollution Abatement
Chapter 3	Refuse Disposal and Collection

## CHAPTER 1

### Health and Sanitation

8-1-1	Rules and Regulations
8-1-2	Health Nuisances; Abatement of
8-1-3	Keeping of Livestock
8-1-4	Deposit Of Deleterious Substances Prohibited
8-1-5	Destruction of Noxious Weeds
8-1-6	Regulation of Natural Lawns
8-1-7	Regulation of Length of Lawn and Grasses

#### **SEC. 8-1-1 RULES AND REGULATIONS.**

The Village Board 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. 8-1-2 HEALTH NUISANCES; ABATEMENT OF.**

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Village Board or Marathon County 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: Sec. 146.14, Wis. Stats.

#### **SEC. 8-1-3 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, and shall only be kept in properly zoned areas.
- (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. 8-1-4 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. 8-1-5 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 Weed Commissioner after the expiration of the five (5) day 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 Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within 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 hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)  
Ambrosia artemisiifolia (Common 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 vulgare (Bull Thistle)  
Pastinaca sativa (Wild Parsnip)  
Arctium minus (Burdock)  
Xanthium strumarium (Cocklebur)  
Amaranthus retroflexus (Pigweed)  
Chenopodium album (Common Lambs quarter)  
Rumex Crispus (Curled Dock)  
Cannabis sativa (Hemp)  
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-7, 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)

Noxious weeds are also the following plants and other rank growth:

Ragweed Thistles  
Smartweed  
Dandelions (over 8 inches in height)  
Milkweed (over 8 inches in height)

State Law Reference: Sec. 66.96, Wis. Stats.

**SEC. 8-1-6 REGULATION OF NATURAL LAWNS.**

- (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 8-1-5 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 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 as 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 vegetational 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 lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is 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 Administrator by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board 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 Board 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 1 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 Administrator. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the Village. 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 Village 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 percent (51%) or more of the neighboring property owners, the Village Administrator 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 percent (51%) of the neighboring property owners provide written objections, the Village Administrator shall issue permission to install a natural lawn.
- (d) **Application For Appeal.** The property owner may appeal the Village Administrator's decision to deny the natural lawn permit request to the Village Board 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 Village Board 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 lawns, 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 Dollars (\$300,000.00).
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Village President, upon the recommendation of the Weed Commissioner, 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 this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appeal able to the Village Board. 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 Village Board in an open meeting. 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 Village Administrator shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the Village Administrator 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. 8-1-7 REGULATION OF LENGTH OF LAWN AND GRASSES.**

- (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 Edgar.
- (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 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 floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-6 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 Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.
  - (2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.
- (f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Administrator's office within the five (5) days set forth in the Weed

Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25.00 bond. If a decision is rendered in the property owner's favor, the \$25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his own case. At the close of the hearing the Village Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Village Board determines that a public nuisance did exist, the Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board's decision. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(g) **Village's Option To Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his 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 written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (2) 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 as established by resolution by the Village Board. The charges shall be set forth in a statement to the Village Administrator 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 Village Administrator 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 Sec. 66.615(3)(f), Wisconsin Statutes.

## CHAPTER 2

### Pollution Abatement

- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances

#### SEC. 8-2-1 CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES.

- (a) **Purpose.** The purpose of this Section is:
  - (1) To insure safe and effective hazardous materials and hazardous waste management; and
  - (2) To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous materials and waste in the Village.
- (b) **Findings.** The Village finds that:
  - (1) Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation and use of greater quantities of hazardous materials and associated hazardous waste;
  - (2) The problems of disposing of hazardous waste are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
  - (3) While it is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environment than current practices, such knowledge is not being utilized to the extent possible;
  - (4) Even though the Village is not heavily industrialized, there is significant daily hazardous waste disposal problems; and
  - (5) The public health and safety and the environment are threatened where hazardous materials and wastes are not managed in an environmentally sound manner.
- (c) **Definitions.**
  - (1) Disposal. The discharge, deposit, injection, dumping, spilling, or placing of any hazardous material or waste into or on any land or water so that this hazardous waste or any constituent thereof may enter the environment, be emitted into the air or discharged into any waters, including groundwater.
  - (2) Hazardous Material. Any element, compound or combination thereof which is flammable, corrosive, etc., and which, because of handling, storage, processing or packaging, may have detrimental effects on operating and emergency personnel, the public, equipment and/or the environment.
  - (3) Hazardous Waste. Any waste or combination of wastes of a liquid, gaseous or semi-solid form which, because of its quantities, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such wastes include, but are not limited to, those which are toxic, carcinogenic, flammable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of substances described as hazardous waste.
  - (4) Fire Chief. The Fire Chief of the Village of Edgar or his designated officer.
  - (5) Generation. The act or process of producing hazardous waste.
  - (6) Person. Any individual, partnership, corporation (including a government corporation), trust, association, joint stock company, organization, commission, the Village or federal government or other entity.
  - (7) Storage. Containment in such manner as not to constitute disposal.



- (8) Transport. The movement from the point of production, generation or use to any intermediate site and finally to the point of ultimate storage or disposal.
- (9) Treatment. Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize or render it non- hazardous, safer for transport, amenable for recovery or storage, or reduced in volume.
- (10) Treatment Facility. A location for treatment, including an incinerator or a facility where generation has occurred.
- (d) **Prohibited Discharge**. No person shall discharge or cause to be discharged, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, aquifers or on any private property, except those areas specifically licensed for waste disposal or landfill activities within the Village as defined by Subsection (c)(2).
- (e) **Containment, Cleanup and Restoration**. Any person in violation of this Section must, upon direction of the Fire Chief, begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirements of this Section, the Fire Chief may order the required actions to be taken by public or private resources, with all costs incurred by the Village to be reimbursed by the person violating this Section.
- (f) **Access**. Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief for purposes of evaluating the threat to the public and monitor containment, clean up and restoration.
- (g) **Public Protection**. Should any prohibited discharge occur that reasonably causes a threat to the life, safety or health of the public, the senior fire officer on the scene may order an evacuation of the area or take other appropriate protective steps for a period of time as deemed necessary for the safety of the public.
- (h) **Enforcement**. The Fire Chief shall have authority to issue Citations or complaints under this Section.
- (i) **Civil Liability**. Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation and to any individual whose person or property was damaged by such violation.

#### **SEC. 8-2-2 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 of Edgar.

## CHAPTER 3

### Refuse Disposal and Collection

8-3-1	Title
8-3-2	Declaration of Policy
8-3-3	Definitions
8-3-4	Refuse Storage Areas
8-3-5	Approved Waste and Refuse Containers
8-3-6	Collection of Refuse
8-3-7	Prohibited Activities and Non-Collectible Materials
8-3-8	Garbage Accumulation; When a Nuisance
8-3-9	Refuse From Outside the Municipality
8-3-10	Mandatory Recycling

#### SEC. 8-3-1 TITLE.

This Chapter shall be known as the Solid Waste Management Ordinance of the Village of Edgar, hereinafter referred to as this "Ordinance" or "Chapter."

#### SEC. 8-3-2 DECLARATION OF POLICY. *(Rev. 10-04)*

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 *and the creation and imposition of fees for such service to one and two family dwelling units. Multiple family dwelling units (four (4) or more family) and commercial and industrial enterprises and public (eg., schools and churches) will contract for private pickup of refuse and recycling. Mixed use (commercial/residential) (commercial facility with a single family dwelling unit) will be considered a commercial service and will contract for collection service privately. Each mobile home in a mobile home park shall be considered a single family dwelling unit. The determination of the type of service (residential, commercial, industrial or public) will be based upon the classification set forth within the structure of the utility billing service for a given address within the Village of Edgar. Fees for service to one, two or three family dwelling units will be \$5.00 per month per dwelling unit and will be billed on the water and sewer utility bill on a quarterly basis.*

#### SEC. 8-3-3 DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings given herein unless different meanings are clearly indicated by the context.

- (a) **Agricultural Establishment** -- An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
- (b) **Bulky Waste** -- Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
- (c) **Commercial Unit** -- Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
- (d) **Curb** --The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
- (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 the demolition of buildings and improvements.
- (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 or 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 originally used for food-stuffs.
- (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** -- Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing 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 three (3) 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) **Recyclable Waste** -- Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals ( aluminum, steel, tin, brass, etc. ).
- (r) **Refuse** -- Includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
- (s) **Residential Solid Waste** -- All solid waste that normally originates in a residential environment from residential dwelling units.
- (t) **Residential Unit** -- Residential unit shall mean an individual household capable of independent habitation by a family unit. A single family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
- (u) **Rubbish** -- Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboard, 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 as well as areas where containers are set out on collection day.

#### **SEC. 8-3-4 REFUSE STORAGE AREAS.**

Storage 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. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS. (Rev. 10-04)

- (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.** All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Village Board. *Containers leased from the collection contractor are approved.* Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be *so designed to shed water to prevent contents of the container from becoming saturated, shall be so designed to be inaccessible to animals* and shall have the capacity of not less than five (5) gallons and not more than thirty (30) gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags and shall not exceed thirty (30) gallon capacity. Other containers for multi-family residential units (such as dumpsters) may be used with the approval of the Village Administrator. Containers including contents shall not exceed in weight that which one (1) person can safely lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and 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. Garbage and rubbish may be combined in the same container except that open containers shall not contain garbage or material that may blow about.
- (c) **Householder to Provide Containers.** It shall be the duty of every occupant, tenant or proprietor of any residential unit to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.
- (d) **Sawdust; Ashes.** Sawdust and cold, completely extinguished ashes may be left for collection in disposable containers. *ie., plastic garbage bag*
- (e) **Illegal Containers.** Containers not approved consist of metal, pasteboard or plastic barrels and drums *in excess of 30 gallon capacity*, 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. 8-3-6 COLLECTION OF REFUSE.

- (a) **Placement For Collection.**
  - (1) 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 or containers shall be placed immediately adjacent to the alley if premises abut on an alley. Yard 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. Residential units shall bring their solid waste to the terrace adjacent to the street curb for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handing 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.

- (2) No garbage containers or other containers for refuse other than those of the Village shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Village Board may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of refuse.

(b) **Restriction on Time of Placement.**

- (1) Receptacles and containers for refuse, recyclables and rubbish shall be placed in collection locations as designated in Subsection (a) above prior to 6:00 a.m. of the scheduled collection day, but not more than eighteen (18) hours prior to such time.
- (2) All receptacles, bags and containers for refuse, recyclables and garbage disposal shall be removed from the curbside collection point within twelve (12) hours after the regular collection time.
- (3) 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 .
- (4) If the scheduled collection day falls on a holiday, collection times will be determined by the collector.
- (5) Special collections will be made only if ordered by the Village Administrator, Building Inspector or Village Board and will be billed to the owner.

**SEC. 8-3-7 PROHIBITED ACTIVITIES AND NON-COLLECTABLE MATERIALS.**

- (a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.
- (b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped-
- (c) **Ashes.** It shall be unlawful to place hot ashes for collection. See Section 8-3-5(c).
- (d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the Village contrary to the provisions of this Chapter.
- (e) **Compliance With Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the Village contrary to the provisions of this Chapter.
- (f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. 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, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repair.
- (g) **Interference With Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it *has* been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.
- (h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste, recyclables or refuse placed for collection on the terrace without the permission of the owner.

- (i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.
- (j) **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.
- (k) **Non-Collectible Materials.** It shall be unlawful for any person to place for collection any of the following wastes:
  - (1) Hazardous waste;
  - (2) Toxic waste;
  - (3) Chemicals;
  - (4) Explosives or ammunition;
  - (5) Large quantities of paint.
- (l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in the sanitary sewer system.
- (m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.
- (n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor. Building materials of any kind will not be collected. Building and construction waste shall not be burned at the construction site or elsewhere within the Village, unless permitted by the Village Fire Chief.

**SEC. 8-3-8 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. 8-3-9 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 Edgar.

**SEC. 8-3-10 MANDATORY RECYCLING. (Rev. 10-04)**

- (a) **Separation of Recyclable Materials Required.** It shall be mandatory for all persons to separate the recyclable materials designated below from waste collected by The Village or from waste collected by private collectors which will be deposited in a Marathon County landfill.
  - (1) *Cardboard: Corrugated Cardboard only. Must be bundled no larger than 3 ft. x 3 ft. 6 inches. No food contaminated boxes. (Pizza boxes, etc)*
  - (2) *Magazines: Bundle and place at curbside for collection.*
  - (3) *Scrap Paper, Junk Mail: Can be bundled or placed in clear plastic bags. Brown grocery-type bags can be used, if protected from weather. Also includes notebooks (spiral must be removed) No fast food containers, candy or gum wrappers or shiny wrapping paper.*
  - (4) *Newspapers. Tie into bundles.*
  - (5) *Cans: Rinse clean, flatten if possible. Paint cans must be empty, clean and dry. Separate aluminum from tin. Place paint cans with tin cans. Cans can be put at curbside in clear plastic bags.*
  - (6) *Glass Bottles and Jars: Clean, remove caps, rings, and lids. Sort by color: clear, brown, green. No blue, white, or frosted glass. No glass which is not in bottle/jar form. Put glass at curbside in recycling container.*
  - (7) *Plastics # 1 and # 2: Soda bottles, juices, salad dressing, detergents, shampoo, peanut butter. No oil bottles (cooking or motor oil) Flatten bottles, if possible. Put in recycling bin. Milk jugs can be tied together by handles and placed at curbside.*

- (8) *Oil Filter: Residential only! Poke a hole in the top and bottom and drain for a minimum of 48 hours.*
- (9) *Lead Acid Batteries: Batteries used in cars or trucks, not flashlight type. Place at curbside near recycling bin.*
- (10) *Waste Motor Oil. Will be picked up in oil containers from one to five gallon, non-breakable, tightly-capped containers clearly marked.*
- (b) **Applicability.** This Section shall apply to all residential and nonresidential solid waste and shall include all residential, commercial, agricultural, industrial, and institutional activities and buildings.
- (c) **Collection of Recyclable Materials.** Recyclable materials shall be set out for collection or recycled as follows:
  - (1) One and two and three-family residential units shall *place recyclables at the curb in containers that are suitable for plastic, glassware or aluminum. ie., Clear plastic bags. Newspapers and mixed paper may be bundled and placed just behind the curb for collection. Milk jugs may be tied together by the handles with string or twine.*
  - (2) All multi-family (*four or more family*), commercial, *mixed use*, agricultural, industrial, mobile home courts, and institutional units shall provide containers and make arrangements for curbside pickup as approved by the Village Administrator and the Village's waste collection contractor. Each building or court owner shall be responsible for informing the home or building residents of the recycling requirements, and the residents shall be responsible for complying with such requirements.
  - (3) Recyclable materials shall be placed in approved containers at the curb, alley, or roadside and the containers removed from the same according to Sec. 8-3-6(b) of this Chapter.
  - (4) Recyclables that will be picked up at the curbside according to a regular schedule established by the Village Board are: *cardboard, magazines, scrap paper – junk mail, newsprint, cans, glass bottles, aluminum cans, batteries, and waste oil.*
  - (5) Recyclables that will be picked up at the curbside according to a limited schedule are: appliances, tires, yard waste and brush-
- (d) **Enforcement and Penalty.**
  - (1) The Village and its authorized collectors of solid waste, refuse, and recyclables may refuse to collect the same if it is not placed for collection in compliance with this Section.
  - (2) Any person who shall violate the provisions of this Section shall be subject to a forfeiture of Twenty-five Dollars (\$25.00) for the first offense and One Hundred Dollars (\$100.00) for the second and subsequent offenses within two (2) years.
  - (3) The penalties provided herein shall not be construed as prohibiting other methods of enforcing this Section by the Village in accordance with the ordinances of the Village and the laws of the State of Wisconsin.

# TITLE 9

## Public Utilities

Chapter 1	Water Utility Regulations and Rates
Chapter 2	Sewer Utility Regulations and Rates
Chapter 3	Cable Television
Chapter 4	Miscellaneous Utilities Regulations

### CHAPTER 1

#### Water Utility Regulations and Rates

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**ARTICLE A**

Rates

**SEC.9-1-1 PUBLIC FIRE PROTECTION SERVICE -F-1.**

- (a) For public fire protection service to the Village of Edgar, the annual charge shall be Sixty-Two Thousand Six Hundred Eighty-four Dollars (\$62,684.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1989 test year.
- (b) For all extensions of fire protection service, a charge of forty-seven cents (47) per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of One Hundred Twenty-five Dollars (\$125.00) net per hydrant added to the system after the base period.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (d) The above base annual charge of Sixty-two Thousand Six Hundred Eighty-four Dollars (\$62,684.00) includes an estimated fifty thousand six hundred ninety-three (50,693) feet of distribution main, four (4) inch and larger, and forty-eight (48) hydrants.

**SEC.9-1-2 PUBLIC FIRE-PROTECTION - SUBURBAN - F-2.**

- (a) Water used for extinguishing fires outside the immediate service area of the utility may consist of three (3) types of service:
  - (1) Water supplied to tank trucks from utility hydrants;
  - (2) Water supplied directly from hydrants located within the corporate limits, or on its borders, by means of hose lines; or,
  - (3) Water supplied to tank truck from any other utility water source.
- (b) A record of the measured or estimated volume of water used shall be submitted to the water utility after each use for fire protection outside the utility's immediate service area. If measuring or estimating is impossible, the water utility superintendent shall be furnished such data as size of orifice used, pressure and time water was permitted to flow, in order to determine volume used.
- (c) A charge for the volume of water used for each fire, either through a tank supply or from hydrants, will be billed to the township or fire department using water at Two and 32/100 Dollars (\$2.32) per one thousand (1,000) gallons. A service charge, in addition to the water charge, shall be Twenty Dollars (\$20.00) per hydrant used.

**SEC.9-1-3 PRIVATE FIRE-PROTECTION SERVICE - UNMETERED - UPF-1.**

- (a) Service Charge. This service shall consist of un-metered connections to the main for automatic sprinkler systems, standpipes, (where same are connected permanently or continuously to the mains) and private hydrants.
- (b) Demand Charges. Quarterly demand charges for private fire-protection service:

Size of Connection	Charge
2-inch	\$ 25.00
3-inch	\$ 40.00
4-inch	\$ 50.00
6-inch	\$ 75.00
8-inch	\$100.00

- (c) Billing. Same provisions as for general service.

- (d) **Combined Service.** When a 4-inch or larger connection is made to the main for private fire-protection service, such service line may be tapped with a smaller size branch line for general service. This small branch line shall be metered and the water therefrom billed at the regular metered rates, schedule Mg-1. The charge for private fire-protection service will be that applicable to the size of connection to the main as stated in the above schedule. Where "X" equals the metered private fire-protection quarterly demand charge applicable to the size of connection, and "Y" is the quarterly service charge for general service, the charge for private fire-protection service shall be (X-.30Y).

**SEC.9-1-4 GENERAL SERVICE – METERED - MG-1.**

(a) **Service Charge:**

	<u>Quarterly</u>
5/8-inch meter -	\$ 10.50
3/4-inch meter -	\$ 10.50
1-inch meter -	\$ 13.50
1-1/4-inch meter -	\$ 18.00
1-1/2-inch meter -	\$ 21.00
2-inch meter -	\$ 30.00
3-inch meter -	\$ 45.00
4-inch meter -	\$ 60.00
6-inch meter -	\$ 105.00
8-inch meter -	\$ 150.00

(b) **Volume Charge:**

First	20,000 gallons used each quarter -	\$2.32 per 1,000 gallons.
Next	380,000 gallons used each quarter -	\$2.12 per 1,000 gallons.
Over	400,000 gallons used each quarter -	\$1.44 per 1,000 gallons.

- (c) **Billing.** Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of three percent (3%) but not less than thirty cents (\$.30) will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code. A Five Dollar (\$5.00) charge will be made for processing checks that have been returned for insufficient funds.
- (d) **Combined Metering.** When a consumer's premises has several buildings, each supplied with service and metered separately, the full service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered on one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

**SEC.9-1-5 GENERAL SERVICE - SUBURBAN - MG-2.**

Water customers residing outside the corporate limits of the Village of Edgar shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty-five percent (25%) surcharge.

**SEC.9-1-6 GENERAL WATER SERVICE - UNMETERED - UG-1.**

- (a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an un-metered basis. Such service shall be billed at the rate of Thirty-eight and 34/100 Dollars (\$38.34) each quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of twelve thousand (12,000) gallons of

water per quarter under Mg-1. If it is determined by the utility that usage is in excess of twelve thousand (12,000) gallons per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.

- (b) **Billing.** Same as Schedule Mg-1.

**SEC. 9-1-7 PUBLIC SERVICE - MPA-1.**

- (a) Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. the estimated quantity used shall be billed at the rate of Two and 12/100 Dollars (\$2.12) per thousand (1,000) gallons.

**SEC. 9-1-8 RECONNECTION CHARGES - R-1.**

	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valving at curb stop	\$20.00	\$30.00
Valve turned on at curb stop	\$15.00	\$25.00

**SEC. 9-1-9 WATER LATERAL INSTALLATION CHARGE - CZ-1.**

- (a) Developers shall be responsible, where the main extension has been approved by the utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.
- (c) The initial water service lateral not installed as part of a subdivision development or an assessable utility extension will be installed from the main through the curb stop and box by the utility, for which there will be made a charge as follows:

3/4-inch or 1-inch copper water service	\$500.00
Larger sized services	Actual Cost

**SEC. 9-1-10 SEASONAL, EMERGENCY OR TEMPORARY SERVICE -MGT-1.**

Seasonal customers shall be served at the general service rate (Mg-1) except that each customer served under this rate shall pay an annual seasonal service charge equal to four (4) times the applicable quarterly service charge. Water use in any quarter shall be billed at the applicable volume schedule in Mg-1 and the charge added to the annual seasonal service charge.

**SEC. 9-1-11 BUILDING AND CONSTRUCTION WATER SERVICE - MZ-1.**

- (a) For single-family and small commercial buildings apply the service charge (Mg-1) for the size of meter to be installed.
- (b) For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.

**SEC. 9-1-12 BULK WATER - B-1.**

All bulk water supplied to fill tank trucks or swimming pools from the water system through hydrants or other connections shall be metered. Utility personnel shall supervise the delivery of the water.

Service charge -	\$20.00
Plus volume charge -	\$ 2.32 per 1,000 gallons

**SEC. 9-1-13 TEMPORARY METERED SUPPLY, METER AND DEPOSITS - D-I.**

- (a) Service charge for setting the valve and furnishing and setting the meter - \$20.00
- (b) Deposit for valve and meter - \$10.00
- (c) Water usage shall be billed at scheduled rates.
- (d) Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

**SEC. 9-1-14 HYDRANT CHARGES - H-I.**

- (a) In cases where no other supply is available, hydrants may be used. The following charges shall apply:

Service charge for setting or moving sprinkler valve -	\$20.00
Hydrant wrench deposit -	\$10.00
Reducer (if necessary) deposit -	\$10.00

- (b) In addition, the projected water usage shall be paid for in advance at the scheduled rates. The minimum charge for water usage shall be Ten Dollars (\$10.00).
- (c) Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

**SEC. 9-1-15 THROUGH SEC. 9-1-19 RESERVED FOR FUTURE USE.**

## ARTICLE B

### Rules and Regulations

#### **SEC. 9-1-20 COMPLIANCE WITH RULES.**

All persons now receiving a water supply from the Village of Edgar water utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

#### **SEC. 9-1-21 ESTABLISHMENT OF SERVICE.**

- (a) Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning water-consuming appliances.
- (b) Service will be furnished only if:
  - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the utility's filed main extension rule.
  - (2) Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to utility's specification, and
  - (3) Premises have adequate piping beyond metering point.
- (c) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

#### **SEC. 9-1-22 SERVICE CONTRACT.**

- (a) The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.
- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)
- (c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

#### **SEC. 9-1-23 TEMPORARY METERED SUPPLY, METER AND DEPOSITS.**

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit of not less than Fifteen Dollars (\$15.00) for each meter installed as security for payment for use of water and

for such other charges which may arise from the use of the supply. The charge for setting the valve and furnishing and setting the meter will be Five Dollars (\$5.00), so that of the Fifteen Dollars (\$15.00) deposited, Ten Dollars (\$10.00) will be available to pay for the water used at the scheduled rates.

**SEC. 9-1-24 WATER FOR CONSTRUCTION.**

- (a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- (b) In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.
- (c) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have water service discontinued.

**SEC. 9-1-25 USE OF HYDRANTS FOR CONSTRUCTION; TEMPORARY SUPPLY.**

- (a) In cases where no other supply is available, permission may be granted by the superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge of Six Dollars (\$6.00) will be made for setting a valve or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the Water Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. The applicant must make a deposit of Five Dollars (\$5.00) for the hydrant wheel and Five Dollars (\$5.00) for the reducer, if necessary. When the contractor has finished using the hydrant, he must notify the Water Utility to that effect. The minimum charge for the use of water from a hydrant will be Ten Dollars (\$10.00), exclusive of the deposit, but including the charge for setting the valve.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

**SEC. 9-1-26 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY.**

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

**SEC. 9-1-27 REFUNDS OF MONETARY DEPOSIT'S.**

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an un-metered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

**SEC. 9-1-28 SERVICE CONNECTIONS (OR WATER LATERALS).**

- (a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the
- (c) All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Village Building Inspector.

**SEC. 9-1-29 SERVICE PIPING FOR METER SETTINGS.**

- (a) In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes his service piping for his own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at his expense, provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) No permit will be given to change from metered to flat rate service.

**SEC.9-1-30 TURNING ON WATER**

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent the plumber from testing the work.

**SEC. 9-1-31 FAILURE TO READ METERS.**

- (a) Where the utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two (2) consecutive estimated bills be rendered.
- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

**SEC. 9-1-32 COMPLAINT METER TESTS.**

See Wis. Adm. Code, Chapter PSC 185.77.

**SEC. 9-1-33 THAWING FROZEN SERVICES.**



See Wis. Adm. Code, Chapter PSC 185.89.

**SEC. 9-1-34 STOP BOXES.**

The consumer shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.

**SEC. 9-1-35 INSTALLATION OF METERS.**

Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.

**SEC. 9-1-36 REPAIRS TO METERS.**

- (a) Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of anyone of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

**SEC. 9-1-37 REPLACEMENT AND REPAIR OF SERVICE PIPE.**

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

**SEC. 9-1-38 CHARGES FOR WATER WASTED DUE TO LEAKS.**

See Wis. Adm. Code, Chapter PSC 185.35(6).

**SEC. 9-1-39 INSPECTION OF PREMISES.**

During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. At least once every twelve (12) months the utility will make a systematic inspection of all un-metered water taps for the purpose of checking waste and unnecessary use of water.

**SEC. 9-1-40 CUSTOMER'S DEPOSIT'S.**

- (a) **New Residential Service.** The utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the

- utility which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
- (b) **Existing Residential Service.** The utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
    - (1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
    - (2) Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
  - (c) **Commercial and Industrial Service.** If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the utility, he may be required to make a deposit or otherwise guarantee to the utility payment of bills for service.
  - (d) **Conditions of Deposit.** See Wis. Adm. Code, Chapter PSC 185.36(4).
  - (e) **Refund of Deposits.** The utility shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer the utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.
  - (f) **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a Deferred Payment Agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.
  - (g) **Guarantee Contracts.**
    - (1) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two (2) years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon thirty (30) days' written notice to the utility.
    - (2) Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon eight (8) days' written notice, disconnected.
    - (3) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
    - (4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the utility shall have the right to receive service from the company under a Deferred Payment Agreement as provided in these Rules and Regulations for the outstanding account balance.

#### **SE. 9-1-41 DISCONNECTION AND REFUSAL OF SERVICE.**

- (a) **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
  - (1) Failure to pay a delinquent account or failure to comply with the terms of a Deferred Payment agreement.

- (2) Violation of the utility's rules and regulations pertaining to the use of service in a manner which interferes With the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.
  - (3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
  - (4) Diversion of service around the meter.
- (b) **Disconnection for Delinquent Accounts.**
- (1) A bill for service 15 delinquent if unpaid after the due date shown on the bill. The utility may disconnect service for a delinquent bill by giving the customer at least eight (8) calendar days prior to disconnection, a written disconnect notice which may be included with the bill for service. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
  - (2) The utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
  - (3) The utility shall notify the County Department of Health and Social Services at least five (5) calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within twenty-four (24) hours after disconnection the utility shall notify the appropriate county Sheriffs Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.
- (c) **Deferred Payment Agreement.**
- (1) The utility shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable," the parties shall consider the:
    - a. Size of the delinquent account.
    - b. Customer's ability to pay.
    - c. Customer's payment history.
    - d. Time that the debt has been outstanding.
    - e. Reasons why the debt has been outstanding.
    - f. Any other relevant factors concerning the circumstances of the customer.
  - (2) In the Deferred Payment Agreement it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two (2) sizes larger than any other used thereon the following:
 

"If you are not satisfied with this agreement, do not sign. If you do sign this agreement you give up your right to dispute the amount due under the agreement except for the utility's failure or refusal to follow the terms of this agreement."
  - (3) A Deferred Payment Agreement shall not include a finance charge.
  - (4) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances, it shall not be required to offer subsequent negotiation of a Deferred Payment Agreement prior to disconnection.
  - (5) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

(d) **Dispute Procedures.**

- (1) Whenever the customer advises the utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the company shall investigate the dispute promptly and completely, advise the customer of the results of the investigation attempt to resolve the dispute, and provide the opportunity for the customer to enter in to a Deferred Payment Agreement when applicable in order to settle the dispute.
- (2) After the customer has pursued the available remedies with the utility, he "may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
- (3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty percent (50%) of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.
- (4) The form of disconnection notice to be followed shall generally use the following format:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have 8 days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the 8 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a Deferred Payment Agreement with us and have failed to make the time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within 8 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:

1. You have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any Circumstances you think should be taken into consideration before service is discontinued.
4. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

#### Deferred Payment Agreements

If, for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time. This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

- (5) In the event the utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Sec. 66.069, Wisconsin Statutes.

#### **SEC. 9-1-42 SURREPTITIOUS USE OF WATER.**

- (a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service un-metered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:
  - (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
  - (2) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
  - (3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
  - (4) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

#### **SEC. 9-1-43 VACATION OF PREMISES.**

When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.

#### **SEC. 9-1-44 REPAIRS TO MAINS.**

The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will

give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

**SEC. 9-1-45 DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC.**

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

**SEC. 9-1-46 HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.**

- (a) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- (b) Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

**SEC. 9-1-47 SETTLING MAIN OR SERVICE TRENCHES.**

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve (12) inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the backfill has been put in.

**SEC. 9-1-48 PROTECTIVE DEVICES.**

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Village plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air .

**SEC. 9-1-49 CROSS CONNECTION CONTROL. (2/14/05)**

- (a) **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 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.
- (b) **Cross Connections Prohibited.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other

than the regular public water supply of the Village 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 Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR **811.09(2)**, Wisconsin Administrative Code.

- (c) **Inspections.** It shall be the duty of the Water Utility 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 as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources.
- (d) **Right to Inspect.** Upon presentation of credentials, the representative of the Water Utility 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 for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 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.
- (e) **Discontinuation of Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in **Section 6**. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.
- (f) **Immediate Discontinuation.** If it is determined by the Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Village Administrator 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.
- (g) **State Code Adopted.** The Village adopts by reference the State Plumbing Code of Wisconsin being **Comm 82**, Wisconsin Administrative Code.
- (h) **Section Not to Supercede Other Ordinances.** This Section does not supercede the State Plumbing Code and any Village plumbing ordinances but it supplementary to them.

#### **SEC 9-1-50 WATER AND SEWER MAIN EXTENSION RULE.**

Sewer and water mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Sec. 66.60 of the Wisconsin Statutes will apply, and no additional customer contribution to the utility will be required.
- (b) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under (a)
  - (2) Part of the contribution required Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (a) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) nor will it exceed the total assessable cost of the original extension.
- (c) When a new customer(s) is connected to an existing main not financed by customer contributions, it shall not be considered as a main extension and no contribution may be collected from the customer(s). This provision applies to mains installed after the effective date of this rule.

#### **SEC.9-1-51 WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS.**

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Village Administrator and shall set forth the following information:
  - (1) Name of subdivision.
  - (2) Legal description.
  - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
  - (4) Date of approval of subdivision plan by the State Department of Development.
  - (5) Date of approval of proposed mains by the State Department of Natural Resources.
  - (6) Number of houses presently under construction.
- (b) Upon receipt of the application, the water utility will prepare detailed estimates of the cost of extending sewer mains of the size deemed necessary in the subdivision and submit same to the municipal governing body for approval of the extension. The applicant for water service to be supplied to a subdivision shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due, with the balance to be paid within thirty (30) days. If final costs are less than estimated, a refund of overpayment will be made by the utility. If the developer, or a contractor employed by the developer, is to install the sewer mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

**SEC. 9-1-52 WELL ABANDONMENT and WELL OPERATION PERMITS. (2/24/05)**

- (a) **Purpose.** *To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.*
- (b) **Applicability.** *This Section applies to all wells located on premises served by the Edgar Water Utility municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.*
- (c) **Definitions.**
  - (1) **Municipal water system.** *Means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.*
  - (2) **Non-complying.** *Means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.*
  - (3) **Pump installation.** *Means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.*
  - (4) **Unsafe.** *A well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.*
  - (5) **Unused.** *A well or pump installation which is not in use or does not have a functional pumping system.*
  - (6) **Well.** *Means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.*
  - (7) **Well abandonment.** *Means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.*
- (d) **Abandonment Required.** *All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by January 1, 1992 or not later than 1 year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Edgar under terms of Section 5 of this*



ordinance.

- (e) **Well Operation Permit.** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system. The Village of Edgar shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation renewal permit may be obtained by submitting an application verifying that the conditions of this section are met. The Village of Edgar or its agent may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. Initial and renewal applications must be accompanied by a payment of \$50.00.
- (1) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code.
  - (2) The well and pump shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
  - (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
  - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
  - (5) The private well shall have a functional pumping system.
  - (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (f) **Abandonment Procedures.**
- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions that may interfere with sealing operations shall be removed prior to abandonment.
  - (2) The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
  - (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

## CHAPTER 2

### Sewer Utility Regulations and Rates

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#### SEC. 9-2-1 DEFINITIONS.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:
- (1) "Agency" shall mean the authority empowered to adopt this Chapter and any board, commission or committee designated by it to administer and enforce the terms of this Chapter.
  - (2) "Average daily rate" shall mean the total pounds of a constituent discharged to a sanitary sewer over a "sampling day" and shall be expressed in pounds per day. This rate shall be calculated by utilizing the "daily average concentration" and "total daily flow" for a given day.
  - (3) "Average daily rate" shall mean the total pounds of a constituent discharged to a sanitary sewer over a "sampling day," divided by twenty-four (24) hours and expressed in pounds per hour .
  - (4) "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.
  - (5) "Building drain" shall mean the lowest horizontal piping of a drainage system which receives the discharge from waste discharge pipes inside the building and conveys the same to the building sewer.
  - (6) "Building sewer" shall mean the extension from the building drain beginning at the immediate outside foundation wall to its connection with the sanitary sewer or other place of disposal.
  - (7) "Chemical oxygen demand (COD)" shall mean the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed, and dichromate oxygen consumed, respectively.
  - (8) "Commercial wastewater" shall mean domestic wastewater emanating from a place of business as distinct from industrial wastewater.
  - (9) "Daily average concentration" shall mean the concentration of a parameter or constituent in a wastewater sample collected in proportion to flow over a sampling day.
  - (10) "DNR" shall mean the State of Wisconsin Department of Natural Resources.
  - (11) "Domestic wastewater" shall mean the water-carried waste consistent with wastewater emanating from a typical household, and shall include commercial, public, and Institutional

wastewaters as well as the non-industrial wastewaters from industries, if the wastewater has strengths and characteristics similar to wastewater emanating from a typical household. Actual strengths and characteristics of "domestic wastewater" shall be determined on an annual basis from actual measured wastewater characteristics from the "domestic user class" and shall be used as the basis for service charges for the "domestic user class" the following year.

- (12) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooling and dispensing of food and from the handling, storage and sale of produce.
- (13) "Grant" shall mean federal and/or state financial assistance for the construction or improvements to the public sewer collection system and/ or sewage treatment plant.
- (14) "Grantee" shall mean the local agency which receives the grant.
- (15) "Industrial wastewater" shall mean the liquid processing wastes from an industrial manufacturing process, trade or business, including, but not limited to, all Standard Industrial Classification Manual Class D manufacturers as distinct from domestic wastewater.
- (16) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.
- (17) "Operation and maintenance" shall mean all items of work and materials necessary for the administration, upkeep and proper performance of the functions of the sewerage system, including treatment facilities, the collection system, enforcement of this ordinance and other applicable rules and regulations, accounting, bill preparation and collection, replacement and other associated costs, but excluding major new capital expenditures.
- (18) "Person" shall mean any individual, firm, company, association, society, corporation or group.
- (19) "pH" shall mean the negative logarithm of the hydrogen ion concentration in grams per liter of solution.
- (20) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have 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-half (1/2) Inch in dimension.
- (21) "Public sewer collection system" shall mean a system of sanitary sewers owned, maintained, operated and controlled by the agency.
- (22) "Private sewage system" shall mean a system comprised of aseptic tank and effluent absorption area designed for the purpose of processing sewage or other privately owned sewage disposal system.
- (23) "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. The term "operation and maintenance" includes replacement.
- (24) "Sampling day" shall mean the twenty-four (24) period between sample collections at a wastewater sampling facility, over which the collected sample is deemed to be representative of the wastewater discharging.
- (25) "Sanitary sewer" shall mean a pipe or conduit (owned and maintained by the agency) which carries sewage.
- (26) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (27) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.
- (28) "Shall" is mandatory; "may" is permissive.
- (29) "Slug" shall mean any discharge of sewage or industrial wastewater which, in concentration of any given constituent or in quantity of flow, exceeds normal or average discharge in a manner that inhibits or adversely affects the ability of the sewage collection system or treatment facilities to function properly. (This can be assessed in combination with other waste contributors or alone.)
- (30) "Standard Industrial Classification Manual" Office of Management and Budget, 1972.

- (31) "Storm drain" (sometimes called "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage. Storm drains are also used to carry discharge from foundation drains and sump pumps.
- (32) "Superintendent" shall mean the official of the agency or his authorized deputy, agent or representative responsible for the operation and maintenance of the sewage facilities.
- (33) "Suspended solids" shall mean solids that are visible and in suspension in the liquid, the quantity being determined by "Standard Methods For The Examination Of Water And Wastewater."
- (34) "Total daily flow" shall mean the volume of wastewater discharged to a sanitary sewer over a "sampling day."
- (35) "Users" shall mean those residential, commercial, institutional and industrial establishments which are connected to the public sewer collection system.
- (36) "User charge" means a charge levied on users of a treatment works for the user's proportional share of the cost of operation and maintenance, including replacement of such works.
- (37) "Unaltered water" shall mean waters which are not changed chemically or physically as a result of use.
- (38) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (39) "Wastewater" see sewage.

**SEC. 9-2-2 CONNECTON TO SANITARY SEWERS REQUIRED.**

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited any sewage on the ground surface of any public or private property within the jurisdiction of the agency.
- (b) It shall be unlawful to discharge any sewage to any natural outlet within the jurisdiction of the agency, except where authorized by the DNR.
- (c) Except as provided for in Section 9-2-3(b), it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage.
- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the jurisdiction of the agency and abutting on any street, alley or right-of-way in which there is located a sanitary sewer is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the public sewer collection system in accordance with the provisions of this ordinance within one year [three hundred sixty-five (365) days] after the date of official notice by the superintendent of the agency to do so.

**SEC. 9-2-3 PRIVATE SEWAGE DISPOSAL.**

- (a) Where a sanitary sewer is not available, the building sewer shall be connected to a private sewage system complying with the following provisions.
- (b) Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the superintendent, along with all necessary permits required by the county and State of Wisconsin.
- (c) A permit for a private sewage system shall not become effective until the installation is completed and approved by the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction; and in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the superintendent.
- (d) The type, capacity, location and layout of a private sewage disposal system shall comply with Chapter H 83, Wis. Adm. Code.
- (e) At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in Section 9-2-2( d), a direct connection shall be made to the sanitary sewer in compliance with this ordinance; and any septic tanks, cesspools and similar private sewage facilities shall be abandoned in accordance with Chapter H 83, Wis. Adm. Code.

- (f) The owner shall operate and maintain the private sewage system in accordance with Chapter H 83, Wis. Adm. Code.
- (g) No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by Chapter H 83, Wis. Adm. Code.

**SEC. 9-2-4 BUILDING SEWERS AND CONNECTIONS.**

- (a) No unauthorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the superintendent.
- (b) There shall be two (2) classes of building sewer permits:
  - (1) For establishments producing only domestic wastewater, including residences, institutions, public facilities and commercial establishments; and
  - (2) For service to establishments producing industrial wastewater.
 In either case, the owner or his representative shall make application on a special form furnished by the agency. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid at the time the application is filed.
- (c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the agency from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no private sewage system is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this Chapter.
- (f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of Chapter 82.20, Wis. Adm. Code.
- (g) Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to Chapter H 82.11(13), Wis. Adm. Code.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a sanitary sewer.
- (i) The connection of the building sewer into the sanitary sewer shall conform to the requirements of Section 9-2-4(f).
- (j) The applicants for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the superintendent or his representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the agency.

**SEC. 9-2-5 USE OF THE SANITARY SEWERS.**

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage or any other unaltered water to any sanitary sewer.
- (b) The agency reserves the right to refuse or accept any or all industrial waste-waters from any industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system.

(c) No person shall discharge or cause to be discharged any of the following- described fluids or solids into the public sewer collection system:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive fluid or solid.
- (2) Any fluids or solids containing toxic or poisonous elements in sufficient quantity, either singly or by interaction with other elements, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, such as, but not limited to, circuit etching waste or plating wastes.
- (3) Any fluids or solids having any other corrosive property capable of causing damage or hazard to structures, equipment and/ or personnel of the sewage treatment plant.
- (4) Fluids or solid substances in quantities or of such size as to cause obstruction to the flow in sanitary sewers, or other interference with the proper operation of the sewage treatment plant such as, but not limited to, ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following specifically described substances, materials, fluids or solids which may harm sanitary sewers, sewage treatment processes and equipment, have an adverse effect on the receiving stream or may otherwise endanger life, limb, public property or constitute a nuisance without the specific written permission of the superintendent. Such permission is subject to termination at any time upon written notice. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of sanitary sewers, nature of the sewage treatment plant process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any fluid having a temperature higher than one hundred fifty (150) degrees F.
- (2) Any liquid containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees F. and one hundred fifty (150) degrees F.
- (3) Any garbage that has not been properly shredded or solid material having any dimensions greater than one-half (1/2) inch. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the superintendent.
- (4) Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceeds the limits which are established for such materials, unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction. The following concentrations in mg/l shall not be exceeded on a grab-sample basis:

Arsenic	0.50	Lead	0.2
Barium	4.00	Mercury	0.002
Cadmium	0.01	Nickel	2.0
Chromium	0.06	Selenium	0.004
Copper	1.0	Silver	0.1
Cyanide	0.05	Zinc	1.0

- (5) Any fluid or solid containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, or as are established by the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a state or federal regulatory agency having jurisdiction, the concentration of phenols shall not exceed 0.005 mg/l on a grab-sample basis.
- (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.
- (7) Any liquids having a pH lower than six (6.0) or in excess of nine (9.0).

- (8) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, clays, lime slurries and lime residues) or of , dissolved solids detrimental to the treatment processes.
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities in excess of that found in domestic sewage.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 9-2-1(a)(27).
- (9) Fluids or solids containing substances which are not treatable by the sewage treatment processes employed or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
- (e) (1) If sewage is discharged or proposed to be discharged to the public sewer collection system which contains the substances or possesses the characteristics enumerated in Subsections (c) and (d) and which, in the judgment of the superintendent, may have a deleterious effect upon the sewage treatment works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitutes a public nuisance, the superintendent may in writing:
  - a. Reject the wastes;
  - b. Require pretreatment to an acceptable condition prior to discharge to the sanitary sewers;
  - c. Require flow equalization of the rate of discharge; and/ or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of Section 9-2-6(d).
- (2) If the superintendent permits the pretreatment or equalization of waste flows, plans and specifications shall be submitted to the DNR for review and approval. Such plans and specifications shall also be subject to the approval of the agency.
- (3) If the superintendent requires flow equalization or pretreatment of waste-water, he shall so notify the person responsible for the discharge of those wastewaters, in writing, indicating all sections of this ordinance which are applicable and the bases for requiring such flow equalization or pretreatment. The person so notified shall respond to the superintendent, in writing, within sixty (60) days, indicating the course of action to be pursued, in order to comply with the requirements of the superintendent. If such response is not received by the superintendent within sixty (60) days, the superintendent shall notify, in writing, the person responsible for the wastewater discharge that service will be terminated in thirty (30) days: unless that person provides the above-described written response. If the superintendent has not received such action as necessary to terminate wastewater collection and treatment services to the person so notified.
- (f) Grease and oil separators and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquids containing grease in excessive amounts, or any flammable liquid, sand or other harmful ingredients, except that such interceptors and separators shall not be required for private living quarters or dwelling units. All separators and interceptors shall be of a type and capacity approved by the DNR and/or Department of Industry, Labor and Human Relations, Division of Health, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the owner at his expense.
- (h) The owner of any industry discharging industrial wastewaters constituting less than five percent (5%) of anyone (1) of the sewage treatment plant design parameters of volume, BOD and suspended solids shall install a suitable control manhole in accordance with Chapter H 82, Wis. Adm. Code. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible.
- (i) The owner of any industry discharging industrial wastewater in excess of five percent (5%) of the design capacity of the sewage treatment plant during any twenty-four (24) hour period for either volume, BOD or suspended solids, or whole flow is equal to or greater than fifty thousand (50,000)

gallons per average work day shall install a special control manhole. The special control manhole shall be approved by the DNR and the agency prior to installation. The special control manhole shall consist of a manhole on the discharge line with a volume measuring device and a separate structure for housing volume recording instruments and an automatic proportional sampler. The sampler shall automatically (in proportion to volume) collect samples of the waste. The agency shall record volume and operate the automatic sampler on such occasions as deemed necessary to develop a basis for service charges. The owner shall design, construct, operate and maintain the special control manhole at his expense. The agency shall record, sample, test and analyze at the owner's expense. The location and access to the special control manhole shall be as provided for in Chapter H 82, Wis. Adm. Code.

- (j)
  - (1) Special control manholes may be required by the agency should the industrial wastewater contain a fluid or solid not reflected by pH, volume, BOD or suspended solids.
  - (2) If the superintendent determines that an industry must install a special control manhole for monitoring its wastewater or connect currently unmonitored discharges to existing control manholes, he shall so notify the owner of that industry, in writing, indicating all sections of this Chapter which are applicable and the basis for requiring such monitoring. The owner of the industry shall respond to the superintendent, in writing, within sixty (60) days, indicating the course of action to be pursued in order to comply with the requirements of the superintendent. If such response is not received by the superintendent within sixty (60) days, the superintendent shall notify, in writing, the owner of the industry that service will be terminated in thirty (30) days unless the owner provides the above-described written response. If the superintendent has not received such response within thirty (30) days, he may take such action as necessary to terminate wastewater collection and treatment services to the industry so notified.
- (k) All measurements, tests and analyses of the characteristics of fluids and solids to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, et al. The control manhole shall be considered to be the most representative location in the sewage flow system of the premises.
- (l) No statement in this Chapter shall be construed as preventing any special agreement or arrangement between the agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the agency, for treatment, subject to payment therefor by the industrial concern, provided the arrangement is not in conflict with the intent or rates established by this Chapter .

#### **SEC. 9-2-6 SEWAGE SERVICE CHARGES.**

- (a) The purpose of this Section is to establish the basis for reasonable charges for the cost of collecting and treating domestic wastewaters and industrial wastewaters.
- (b) Revenues in support of the collecting and treating of wastewater shall be generated from two (2) classes of wastewater as follows: (1) domestic waste-water; and (2) industrial wastewater. Domestic wastewater shall include waste-water from commercial, institutional, public and residential sources. Such revenues shall be collected on a time period deemed appropriate by the agency, but not less frequently than annually. Said revenues shall be reviewed to determine their adequacy to offset operation, maintenance and capital costs annually. Accordingly, the agency reserves the authority to adjust the basis for such revenues annually to assure their continued adequacy.
- (c) The revenues for domestic wastewater will be through user charges to the "domestic user" class. The user charges shall be adjusted annually with rates established to adequately meet the cost of collecting and treating domestic wastewater.
- (d) Industrial wastewaters shall be subject to an industrial service charge. Such charges shall be assessed to cover capital and operation and maintenance costs. The charges will be based on both the level of sewage treatment plant and public sewer collection system capacity provided for in the design and the actual discharge by each industry as measure by volume, BOD and suspended solids. All Class D manufacturers (Standard Industrial Classification Manual) discharging other than domestic wastewater are subject to such charges.



- (e) Should the industrial wastewaters contain a fluid or solid not reflected by volume, BOD or suspended solids, special charges shall be determined on a case-by-case basis. These charges shall reflect the costs and difficulties associated with collecting and treating that specified wastewater.
- (f) Sampling of industrial wastewaters may be made on a regular basis or as needed to verify the charges.
- (g) Each new Class D industry shall file with the superintendent an initial written statement for each separate connection to the system giving the daily volume, range of pH, slug rate, peak flow rate, pounds per day of suspended solids and pounds per day of BOD of the wastewater. Initial charges shall be developed on the basis of this statement. If the industrial discharge is as defined in Section 9-2-5(i), all connections to the sanitary sewer system shall pass through a special control manhole as defined in Section 9-2-5(i).
- (h) Changes in operations or use shall be reported by the owner, and it shall be his sole responsibility to have such changes made to the original statement to remain in compliance with this Chapter.
- (i) The superintendent may sample and test at any industrial wastewater discharge to verify the accuracy of any statement rued by an owner. The costs of such tests shall be at the expense of the agency.

**SEC. 9-2-7 SERVICE CHARGE DETERMINATION.**

- (a) The intent of this Section is to establish the method for recovering capital and operation and maintenance costs invested by the agency on behalf of the industrial user, exclusive of pretreatment facilities. Each industrial user shall enter into an industrial service contract pursuant to Section 9-2-8 of the Village of Edgar Sewer Utility Regulations and Rates.
- (b) The method for cost recovery for any industry shall apply to both the public, sewer collection system, including major appurtenances, and that portion of the sewage treatment plant utilized by the industry.
- (c) The parameters used in the method of cost recovery shall be volume expressed in gallons per day (gpd), BOD expressed in pounds per day (#/day) and suspended solids expressed m pounds per Gay (#/day) or other parameters that represent an unusual contribution to operation, maintenance or capital costs.
- (d) The agency shall maintain capital cost records on improvements to the sewage treatment plant and/ or public sewer collection system. The capital costs shall be allocated based on design volume, BOD and suspended solids.
- (e) The agency shall maintain design capacity calculations which allocate a specific volume, BOD and suspended solids concentration to each industrial wastewater discharge to the sewage treatment plant.
- (f) The agency shall maintain design capacity calculations which allocate a specific volume to industrial wastewater discharges to that portion of the public sewer collection system and major appurtenances used by the industry, if appropriate. Under normal circumstances, the industry will be charged for use of the collection system as would any other class of user.
- (g) Capital costs shall be reduced by any special assessment levied to industry in the determination of sewer service charges.
- (h) Capital costs shall be reduced by the amount .of grant received on the facilities, if permissible, under then-current granting agency regulations.
- (i) Capital costs shall include the actual interest component and shall be det ermined over a twenty ( 20) year period if this method of financing is applicable.
- (j) The capital costs shall be allocated to each industry based on the following formula:

$$C_c = vdxV_c + bdxB_c + sdxS_c + ndxN_c$$

where:

$C_c$  = charges \$/year for capital cost

Vc = capital costs allocated to volume for the sewage treatment plant and public sewer collection system used by the industry

Bc = capital costs allocated to BOD for the sewage treatment plant

Sc = capital costs allocated to suspended solids for the sewage treatment plant

Nc = capital costs allocated to ammonia for the sewage treatment plant

vd = percentage design capacity allocated to the industry for volume at the sewage treatment plant and the public sewer collection system used by the industry

bd = percentage design capacity allocated to the industry for BOD at the sewage treatment plant

sd = percentage design capacity allocated to the industry for suspended solids at the sewage treatment plant

nd = percentage design capacity allocated to the industry for ammonia at the sewage treatment plant

(k) The agency shall maintain annual operational and maintenance costs allocated for volume, BOD, ammonia and suspended solids. The agency shall adjust the charge for operation and maintenance annually to reflect cost increases and decreases. Operational and maintenance costs for the public sewer collection system shall be allocated to such industry on volume only.

(l) The operational and maintenance costs shall be allocated to each industry based on the following formula:

$$C_m = v_a \times V_m + b_a \times B_m + s_a \times S_m + n_a \times N_m$$

C<sub>m</sub> = charge in \$ /year for operation and maintenance

V<sub>m</sub> = annual operation and maintenance cost allocated to volume for the sewage treatment plant and public sewer collection system used by each industry

B<sub>m</sub> = annual operation and maintenance cost allocated to BOD for the sewage treatment plant

N<sub>m</sub> = annual operation and maintenance cost allocated to ammonia for the sewage treatment plant

v<sub>a</sub> = percent of actual volume contributed by the industry

b<sub>a</sub> = percent of actual BOD contributed by the industry

s<sub>a</sub> = percent of actual suspended solids contributed by the industry

n<sub>a</sub> = percent of actual ammonia contributed by the industry

(m) The sum of C<sub>c</sub> and C<sub>m</sub> shall be the total annual charge made to the industry. The agency shall invoice the industry a minimum of once a year. Shorter invoicing periods may be established.

(n) The total annual operation and maintenance costs (C<sub>m</sub>) shall include a depreciation and inflation allowance, where applicable.

(o) If there is any change in the volume, BOD, ammonia or suspended solids characteristics by the industry, the industries' share of operation and maintenance will be adjusted accordingly.

#### **SEC. 9-2-8 SERVICE CONTRACTS.**

- (a) Where individual industrial wastewaters constitute a substantial portion of either the volumetric or organic capacity of the sewage treatment facilities, a service agreement between the industry and the agency shall be executed. Such industrial service contracts/agreements shall be required where the industrial wastewaters emanating from an industry contain either thirty percent (30%) or more of the design suspended solids or if the wastewater includes more than thirty percent (30%) of the design ammonia to the sewage treatment plant. Such agreement shall assure continued participation in capital costs by the industry over the life of the agreement. Should the industry eliminate its discharge, the Village, at its option, may elect to assign to another industrial user that portion of design capacity and associated capital costs, thereby relieving the industry of continued financial participation.
- (b) Within each such industrial service contract, the Village shall require the industry associated capital cost (balance of capital cost payments) owed by the industrial user be payable to the Village within thirty (30) days of the industry's ceasing/terminating business operations within the Village. The Village may, at its option, at the time of entering into the service contract with an individual industry require of the individual industry contractually a financial guarantee to assure to the Village that the industry's associated capital costs will be paid to the Village in the event that the industry ceases/terminates business operations within the Village. Such financial guarantee methods may include, without limitation, personal guarantees of the industry's majority shareholder(s), a prepaid escrow account in an amount of dollars as agreed to between the Village and the industry (provided that the escrow funds, interest thereon, and prorated reductions shall be paid to the industry as the industry, over time, reduces its associated capital costs), an unconditional letter of credit, and/or performance and payment bond. In the event that the Village allows an industrial user under service contract to cease/terminate business operations without repayment of that industry's unused associated capital costs, then all other industrial users under service contract with the Village shall be excused from the terms and conditions of that industrial user's contract requiring repayment in the event of that industry ceasing/terminating business operations within the Village.

**SEC. 9-2-9 USER CHARGE SYSTEM.**

- (a) The calculations establishing user charges for capital costs of plant expansions and modifications constructed to upgrade the wastewater treatment facilities in 1983 and costs of plant operation, maintenance and replacement for the first year of operation are adopted by reference and incorporated herein, a copy of which is on file with the Village Administrator.
- (b) It is the intent of this Section to assure that each user or user class pays its proportionate share of operation, maintenance and replacement costs based on its waste contribution and the facilities used to treat wastes from a particular user. It is also the intent of this Section to assure that all users and user classes share in the cost of transportation and treatment of clear water.
- (c) Bills for sewer service are due and payable on the first of the month following the period for which service is rendered. A late payment charge of Seven and 50/100 Dollars (\$7.50) or three percent (3%) of the balance due, whichever is greater, will be added to bills not paid within twenty (20) days of issuance. This late payment charge is applicable to all customers.

**SEC. 9-2-10 PROTECTION FROM DAMAGE.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is apart of the sewage collection system or sewage treatment plant. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

**SEC. 9-2-11 POWERS AND AUTHORITY OF INSPECTORS.**

- (a) The superintendent and other duly authorized employees of the agency bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other processes beyond that point

having a direct bearing on the kind and source of discharge to the sanitary sewers of sewage treatment facilities.

- (b) While performing the necessary work on private properties referred to in subsection (a), the superintendent or duly authorize employees of the agency 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 agency employees and the agency shall indemnify the company against loss or damage to its property by agency 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 9-2-8(h).
- (c) The superintendent and duly authorized employees of the agency bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage collection system. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Chapter.

#### **SEC. 9-2-12 PENALTIES.**

- (a) The penalty provisions hereinafter (Section 9-2-12) shall apply to all persons, partnerships, corporations, or other business entities (excluding industrial users) served by the Village sewage treatment plant. Any person found to be violating any provision of this Chapter, except Section 9-2-8, shall be served by the agency 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 or respond to the agency within thirty (30) days of such notice indicating: (1) why compliance cannot be achieved within the period of time set forth in the notice; (2) the plan of action to be taken to bring the offending facility into compliance; and (3) the time schedule proposed to achieve compliance with the ordinance. The agency shall review such response and the reasonableness of the proposed plan of action and timetable for compliance. Upon completion of such review, the agency shall serve the offender with written notice stating the acceptability of the time limit for completion of corrective action.
- (b) Any person who shall continue any violations beyond the time limit provided for in Subsection (a) upon conviction shall be punished by a forfeiture or not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) In addition to the penalty provided for in Subsection (b) above, any person violating any provisions of this Chapter shall become liable to the agency for any expense, loss, damage, fines and forfeitures occasioned the agency by reason of such violation. The agency shall be held harmless from any expense, loss or damage incurred by any downstream watercourse user or by any other person as a result of a user violation to this Chapter.

#### **SEC. 9-2-13 INDUSTRIAL USER SANCTIONS AND PENALTIES.**

- (a) The Village shall notify an industrial user in writing if the industrial user exceeds its allowed loadings to the Village's wastewater treatment facility for any three (3) consecutive days or for any five (5) days within any sixty (60) day period. (The day limitations stated herein may change hereinafter pursuant to federal and/ or state mandated requirements). The Village shall require the industrial user to take necessary and reasonable actions to restrict the industries loadings to the Village's wastewater treatment plant to the agreed limits. Alternately, the Village may adjust the agreed limits temporarily upward to allow the industrial user use of any reserved capacity within the Village's treatment facility. If the Village exercises its option to allow temporary use of reserve capacity by an industrial user, the Village may at any time, within its sole discretion, require the industrial user to return that industrial user's limits to those limits agreed to by contract between the Village and the industrial user. Any loadings by an industrial user in excess of the contractual limits agreed to between the Village and the industrial user may, within the discretion of the Village, result in an increase in any capital costs reimbursement owed by the industrial user to the Village, pursuant to the terms of the Village's user charge ordinance.

- (b) If the Village notifies an industrial user that an industrial user has exceeded its allowed loadings, and that the industrial user is to take reasonable and necessary actions to restrict its flow /loadings, and the industrial user fails to take reasonable and necessary actions to do so, resulting in a failure of the industrial user to restrict its loadings to the appropriate agreed contractual limits and further exceedances occur, the Village may within its discretion restrict service to the industrial user. The industrial user shall be required to reimburse the Village for all costs incurred as a result of the excessive discharges, including but not limited to, reimbursement of fines imposed upon the Village for Village violation of its discharge permit (WPDES), costs related to facilities planning and construction at the Village's treatment facility necessitated by the industrial user's excessive discharges, and/or physical damage to the Village's treatment facility arising from excessive discharges.
- (c) In the event that an industrial user shall fail to take reasonable and necessary actions to restrict the industrial user's flow /loadings so as to restrict the industrial user's flow/loadings to the appropriate agreed contractual limits and further exceedances occur, the same shall be considered a contractual violation of the terms and conditions of the industrial service contract as then in effect between the Village and the industrial user, and the same shall be considered then a violation of the penalty provisions of Section 9-2-13 of the Village's Sewer Utility Rules and Regulations, causing the industrial user to be liable to the Village for a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each such contractual agreement violation. Each day in which any such contractual agreement violation shall continue shall be deemed a separate forfeiture offense. In order for an industrial user to be liable for a contractual agreement violation, under this Subsection and the subsequent imposition of a forfeiture thereon, a Court Judgment shall be required to be entered upon the merit(s) of the legal issue as to whether or not the industrial user has taken reasonable and necessary actions to restrict its flow /loadings to appropriate limits, within the contractual terms, conditions and covenants of the industrial service agreement.
- (d) Any and all remedies stated herein, including without limitation forfeitures, shall be cumulative to the Village.

## CHAPTER 3

### Cable Television

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9-3-4	Termination or Expiration
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#### **SEC. 9-3-1 GRANT OF FRANCHISE.**

This Chapter allows the Village of Edgar to grant to a Franchise Grantee, its successors and assigns, a nonexclusive license to install maintain, and operate a cable television system for the distribution of television signals, frequency-modulate radio signals and closed circuit television programs, digital transmission, audio transmission, data transmission and any electric signals capable of being carried on a fiber or coaxial network for a term of ten (10) years provided that the Franchise Grantee conforms to the conditions limitations and requirements of this Chapter. This Chapter may be amended from time to time by the Village through the enactment of amendments thereto.

#### **SEC. 9-3-2 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 of Edgar, State of Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.

- (b) **Cable.** Coaxial cables, wave guides, or other conductors and equipment for providing video, audio and data frequencies by cable or through its facilities as herein contemplated, and including closed-circuit special event programs and educational television.
- (c) **Grantee.** A person or entity to whom or which a Franchise under this Chapter is granted by the Village Board and the lawful successors or assigns of such person or entity.
- (d) **Village Board.** The present governing body of the Village or any future body constituting the legislative body of the Village.
- (e) **Street.** The surface of any space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the Village.
- (f) **Subscriber.** Any person or entity receiving and paying for any purpose the services of a grantee herein.
- (g) **Gross Revenues.** The annual gross revenues of the grantee from all basic customers service monthly fees, pay cable fee, installation and reconnection fee in the Village of Edgar. The term does not include any taxes on service furnished by grantee and imposed directly upon any subscriber or used by the State, Village, or other governmental unit and collected by grantee on behalf of said governmental unit.

**SEC. 9-3-3 RENEWAL.**

- (a) A grantee shall have the right to apply to the Village for renewal or extension of the franchise. The Village shall grant such renewal or extension application unless it finds that:
  - (1) The grantee has not substantially complied with the material terms of the ordinance and with applicable law, or its officers have been convicted of a felony;
  - (2) The legal, technical, or financial qualifications of the grantee are inadequate to provide the service proposed by it;
  - (3) The service and facilities to be provided by the grantee are not reasonable in light of the community need for and cost of such services and facilities;
  - (4) The service quality of the cable system has not been reasonable in the light of the community needs; or
  - (5) The proposals contained in the renewal application are otherwise unreasonable.
- (b) A grantee must file for renewal at least thirty (30) months before the expiration of the franchise. The Village must consider the renewal application and conduct any proceedings necessary to adequately consider the application. The Village shall make a preliminary decision granting or denying renewal within four (4) months after receipt of any application. If the Village denies an application it will notify the grantee by written statement within seven (7) days after its decision of the reasons for the denial. The Village may not request, accept, or consider any other franchise application until the grantee's application is approved or disapproved.
- (c) The grantee, if adversely affected or aggrieved by a decision of the Village made pursuant to this Section, may appeal such decision in any court of competent jurisdiction. The franchise shall remain in effect pending completion of such appeal.
- (d) Both the grantee and the Village shall comply with all the provisions of Section 626 of the Cable Communications Policy Act of 1984 and any amendments thereto regarding renewal procedures.

**SEC. 9-3-4 TERMINATION OR EXPIRATION.**

- (a) Should a grantee's franchise be terminated or expire and there is no judicial or administrative review of the termination or expiration taking place, all property owned by the grantee and placed on a public right-of-way, unless permitted by the Village to abandon said property to a purchaser, shall be removed. Removal shall begin within ninety (90) days of termination or expiration and shall be removed within one (1) year. Property not removed from the Village right-of-way within one (1) year shall become the property of the Village and will be disposed of in compliance with other sections of this Code of Ordinances.
- (b) In the event that a franchise has been terminated or expired, the Village shall have options, to the extent then permitted by law, to purchase the assets of the grantee's cable television system previously governed by the franchise at its fair market value as determined by an appraiser of the Village's choice, or by matching any other reasonable, bona-fide offer to purchase the system, to

assign such rights to purchase, or to require removal of all grantee's property located within the public ways of the Village at the grantee's expense. Such an option must be exercised within one (1) year from the date of the revocation or expiration of the franchise, the entry of a final judgment by a court reviewing the question of the revocation or expiration, or the entry of final order upon appeal of the same, whichever is later.

#### **SEC. 9-3-5      TRANSFER PROCEDURE.**

All of the rights and privileges and all the obligations, duties and liabilities created by this Chapter shall pass to and be binding upon the successors of the Village and the successors and assigns of any grantee; and the same shall not be assigned or transferred without the written approval of the Village hereunder, which approval shall not be unreasonably withheld without a showing of good cause; provided, however, that this Section shall not prevent the assignment or pledge of a franchise or system by a grantee as security for debt without such approval; and provided further that transfers or assignments of a franchise between any parent and subsidiary corporation, or between entities of which at least fifty-one percent (51%) of the beneficial ownership is held by the grantee or any parent corporation, shall be permitted without the prior approval of the Village. The sale, transfer, or assignment of a material portion of the tangible assets of a grantee to an unrelated third party shall be considered an assignment subject to the provisions of this Section:

- (a) The parties to the sale or transfer of a franchise shall make a written request to the Village for its approval of a sale or transfer of the franchise.
- (b) The Village will reply in writing within thirty (30) days of the request or its determination that a public hearing is necessary due to potential adverse effect on the franchise subscribers.
- (c) If a public hearing is deemed necessary the Village will conduct such hearing within thirty (30) days of such determination and notice of any such hearing shall be given fourteen (14) days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the area being served by the franchise. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the Village.
- (d) Within thirty (30) days after the public hearing, the Village shall approve or deny in writing the sale or transfer request.
- (e) The parties to the sale or transfer of a franchise only, without the inclusion of a cable communication system in which at least substantial construction has commenced, shall establish that the sale or transfer of a franchise only will be in the public interest.
- (f) A grantee, upon transfer, shall within sixty (60) days thereafter file with the Village a copy of the deed, agreement or other written instrument evidencing such sale, transfer of ownership or control or lease, certified and sworn to as correct by the grantee.

#### **SEC. 9-3-6      FRANCHISE TERRITORY.**

Any franchise is for the present territorial limits of the Village of Edgar. For any area henceforth added thereto during the term of the franchise, service shall be extended wherever household density reaches ten (10) requests or twenty (20) homes per plant mile, including interconnecting trunks.

#### **SEC. 9-3-7 SUBSCRIBER PRIVACY.**

- (a) A grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users to their use of subscriber services without notification to the subscribers or users.
- (b) Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the grantee is notified to terminate service.

#### **SEC. 9-3-8      TECHNICAL PERFORMANCE.**

- (a) The cable system shall be operated to comply with all guidelines and standards set by the FCC for signal quality and leakage. The Village reserves the right to test the system and independently



measure the signal quality. The system shall comply at all times with the National Electrical Code of the National Fire Protection Association.

- (b) The Village may inspect all construction or installation work during such construction or installation, or at any time after the completion thereof, in order to insure compliance with the provisions of this Chapter and all other governing ordinances.

**SEC. 9-3-9 OPEN BOOKS AND RECORDS.**

- (a) Any grantee shall manage all of its operations in accordance with the policy of totally open books and records in relation to the Village. The authorized officers of the Village shall have the right to inspect, upon notice, during normal business hours all books, records, maps, plans, and service complaint logs of the grantee that relate to the operation of the franchise.
- (b) There will be a franchise fee paid to the Village in an amount equal to three percent (3%) of the franchise's annual income derived from basic service, satellite showcase, pay services and installation and reconnection charges.

**SEC. 9-3-10 SUBSCRIBER SERVICE.**

- (a) The grantee shall provide a line, either staffed or with answering capabilities, available twenty-four (24) hours a day.
- (b) The grantee shall answer service requests for service interruptions within forty-eight (48) hours, excluding weekends and holidays. Problems should be rectified in forty-eight (48) hours. In case of a dispute between a subscriber and the grantee, problems should be rectified within thirty (30) days. Customers shall be able to request from the grantee that a service visit occur during a four (4) hour block of time in either the morning or the afternoon.

**SEC. 9-3-11 DESCRIPTION OF SYSTEM.**

Upon request, a grantee shall, as part of the acceptance of a franchise, provide a complete written description or map of the cable system in the Village of Edgar. Such written description or map shall be updated as additions or changes are made.

**SEC. 9-3-12 RATES.**

- (a) Rates charged by a grantee for service hereunder shall be fair and reasonable. The grantee shall not engage, directly or indirectly, in any sales or service of individual television sets.
- (b) Subsequent additions or amendments to rates and service charges shall likewise, be filed with the Village Clerk thirty (30) days prior to the effective date of the rate change.

**SEC. 9-3-13 CONDITIONS OF STREET OCCUPANCY.**

- (a) All transmission and distribution structures, lines and equipment erected by a grantee within the Village shall be so located as not to cause interference with the proper use of streets, alley's, and other public ways and places, and not to cause interference with the rights of or reasonable convenience of property owners who adjoin any of the streets, alleys, or other public ways and places.
- (b) In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the grantee shall first obtain permission from the property owner/s adjacent to the intended disturbance and the Village prior to commencing any construction and shall, at its own cost and expense and in a manner approved by the Director of Public Works, replace and restore all pavement, sidewalk, driveway, or other surface of any street or alley disturbed in as good a condition as it was before such work commenced. The grantee shall otherwise comply with Village ordinances relating to street openings.
- (c) If, at any time during the period of a franchise, the Village shall elect to alter or change the location or grade of any street, alley, or other public way, the grantee, upon reasonable notice by the Village, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes

and other fixtures at its own expense. If any construction by the grantee is in violation of the provisions of Subsection (a) of this Section, the grantee shall likewise, upon reasonable notice by the Village, remove, relay and relocate its property in such a manner as to remedy such violation at its own expense.

- (d) The grantee shall not place poles or other fixtures where the same will interfere with any existing gas, electric, telephone, or other fixture, water hydrant, or main. All such poles or other fixtures placed in any street shall be placed between the outer edge of the sidewalk and the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys and public ways. However, nothing in this Chapter shall prohibit the use by the grantee of existing public utility poles where practical.
- (e) A grantee shall, on the request of any person holding a building moving permit issued by the Village, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary raising or lowering of the wires shall be paid by the person requesting the same, and the grantee may require such payment in advance. The grantee shall be given not less than five (5) working days in advance notice to arrange for such temporary wire changes.
- (f) The grantee, to the same extent that the Village has such authority, may trim trees that overhang streets, alley, sidewalks, and public places of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee.

#### **SEC.9-3-14 FRANCHISE FEE.**

For the use of the streets, and other facilities of the incorporated area of the Village for the operations of the cable communications systems and for the supervision thereof by the franchising authority and administrative costs hereunder, the grantee shall pay to the franchising authority an amount equal to three percent (3%) of the grantee's basic service revenues, pay service revenues, basic service installation and pay service installation for the operation of the cable communication system in the Incorporated area of the Village during each year. Such payments are to be made within ninety (90) days of the close of each calendar year and shall be based on the revenue of the immediate prior calendar year .

#### **SEC.9-3-15 INDEMNITY.**

- (a) The grantee shall hold harmless and defend and save the Village and its agents and employees from all claims, damages, losses, and expenses including attorney's fees sustained by the Village on account of any suit, judgment, execution, claim, or demand whatsoever arising out of:
  - (1) The enactment of this Chapter and granting of a franchise there under, except such claims as may arise from the Village's selection of a grantee to be awarded a franchise pursuant to this Chapter.
  - (2) The installation, operation or maintenance of the cable system except for acts of the Village, its agents or employees, unless said acts are at the request of and under the direction or supervision of the grantee.
- (b) The Village will notify the grantee within ten (10) days after the presentation of any claim or demand made against the Village on the part of the grantee. The grantee shall furnish to the Village, before any franchise becomes effective, satisfactory evidence in writing that, the grantee has in force and will maintain in force during the term of the franchise, public liability insurance.
- (c) All grantees shall maintain throughout the term of the franchise, a general comprehensive liability insurance policy providing minimum limits of liability of One Million Dollars (\$1,000,000.00), naming as additional named insured the Village, its officers, boards, commissions, agents, and employees in a form satisfactory to the Village attorney. The policy shall protect the Village and its agencies and employees against liability for loss or damages for personal injury, death or property damage occasioned by the operations of the grantee under any franchise granted hereunder. Minimum limits of liability shall be as follows:
  - (1) One Million Dollars (\$1,000,000.00) for bodily injury or death to anyone (1) person.
  - (2) Two Million Dollars (\$2,000,000.00) for bodily injury or death resulting from anyone (1) accident.

- (3) One Million Dollars (\$1,000,000.00) for property damage resulting from any one ( 1) accident.

The Village shall be named as an additional named insured under such insurance and a copy of the current in-force policy shall be deposited with the Village Clerk.

**SEC. 9-3-16 SERVICE REMEDIES.**

A grantee is not responsible for failure to provide adequate service caused by acts of God, strikes, governmental or military action. Except as otherwise provided, upon interruption of service of greater than forty-eight (48) hours without the prior express permission of the Village, the grantee shall provide its customers with a refund based on the following formula:

$$\frac{\text{Basic Service Rate } \times \# \text{ of Days}}{\# \text{ of Days in Month}}$$

**SEC. 9-3-17 RIGHTS OF RESIDENTS.**

- (a) An owner or operator of an apartment building, condominium, nursing home, mobile home park, or any other rental facility may not interfere with or charge a fee for the installation of cable system facilities for the use of a lessee of said property or premises, except that such owner or operator may require:
- (1) Installation to conform to reasonable conditions necessary to protect the safety, appearance and functioning of the premises;
  - (2) The grantee, occupant, or tenant to pay for the installation, operation, or removal of such facilities;
  - (3) The grantee, occupant, or tenant to agree to indemnify the owner or operator for any damages caused by the installation, operation or removal of such facilities.
- (b) It shall be unlawful for the grantee to reimburse or offer to reimburse any person, or for any person to demand or receive reimbursement from the grantee, for the placement upon the premises of such person of grantee's facilities necessary to connect such person's premises to the distribution lines of the grantee to provide cable service to said premises.
- (c) A landlord may not discriminate in the amount of rent charged to tenants or occupants who receive cable service and those who do not.

**SEC. 9-3-18 RIGHTS OF THE VILLAGE.**

- (a) The right is hereby retained by the Village to adopt, in addition to the provisions contained in this Chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police powers. Such regulations, by ordinance or otherwise, shall be reasonable and not be in conflict with the rights granted in this Chapter and not be in conflict with the laws of the state.
- (b) The Village may, during the term of a franchise, free of charge where aerial construction exists, maintain upon the poles of the grantee within the Village limits, wire and pole fixtures necessary for a police and fire alarm system, such wires and fixtures to be constructed and maintained to the satisfaction of the grantee in accordance with its specifications.

**SEC. 9-3-19 WAIVER OF CHARGES.**

During the term of a franchise, the grantee shall provide free service to any and all schools whether private, public, or parochial, within the area of the franchise. The grantee may charge for usual installation costs.

**SEC. 9-3-20 ACCEPTANCE BY GRANTEE.**

Any franchise granted under this Chapter shall be effective upon written acceptance of the franchise being filed with the Village Clerk within thirty (30) days from the adoption hereof, and the franchise shall continue in force for a period of ten (10) years.

#### **SEC.9-3-21 ARBITRATION.**

- (a) Controversies arising from a grantee's performance under the terms of this Chapter shall be submitted to arbitration. Arbitration shall not be demanded by any party until such time as that party has served written notice upon the opposing party, setting forth its proposed determinations or actions which are to be the subject matter of the arbitration. Such notice shall be in writing and mailed to the other party by certified mail, return receipt requested.
- (b) In the event of arbitration, the parties shall select the arbitrator or if they fail to do so a Circuit Judge shall select the arbitrator. The expenses of the arbitration and compensation of the arbitrator shall be borne by the grantee. The decision of the arbitrator shall be binding upon the Village and the grantee.

#### **SEC. 9-3-22 INCORPORATION OF AMENDMENTS.**

This Chapter shall be amended to incorporate all amendments to the statutes, rules and regulations of the Federal government as they are promulgated by the Federal Government. Any provision herein, in conflict with or preempted by said rules, regulations or statutes, shall be superseded.

#### **SEC. 9-3-23 PROTECTION OF NONSUBSCRIBERS.**

A grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by radios or televisions not connected to the grantee's service.

#### **SEC. 9-3-24 GRANTEE RULES.**

A grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the grantee to exercise its rights and perform its obligations under the franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Chapter or the laws of the state.

#### **SEC. 9-3-25 WAIVER OF OBJECTIONS.**

By the adoption of this Chapter, the Village expressly waives all objections it has or may have to the legal rights of the grantee to attach its cables, equipment, and transmission lines to the poles of the Village, pursuant to an agreement or to the poles of the public utilities and the authority of such public utilities to grant such right to the grantee.

#### **SEC. 9-3-26 GRANTEE WITHOUT RECOURSE.**

A grantee shall have no recourse whatsoever against the Village for any loss, cost or expense, or damage arising out of any provisions or requirements of a franchise or because of the enforcement thereof by the Village, or for the failure of the Village to have authority to grant all or any part of the franchise. Grantee expressly acknowledges that in accepting any franchise, it does so relying on its own investigation and the understanding of the power and authority of the Village to grant the franchise. By accepting a franchise, a grantee acknowledges that it has not been induced to enter into the franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the Village or by any other third person concerning any term or condition of the franchise not expressed herein. The grantee further acknowledges by acceptance of the franchise that it has carefully read the terms and conditions hereof, and is willing to and does accept all the risks of the meeting of such terms and conditions and agrees that in the

event of any ambiguity therein or in the event of any dispute over the meaning thereof the same shall be construed strictly against the grantee and in favor of the Village.

**SEC. 9-3-27 WORK PERFORMED BY OTHERS.**

- (a) A grantee shall give prior notice to the Village specifying the names and addresses of any entity, other than the grantee, that performs services pursuant to the franchise, provided, however, that all provisions of the franchise remain the responsibility of the grantee.
- (b) All provisions of any franchise shall apply to any subcontractor or others performing any work or services pursuant to the provisions of the franchise.

**SEC. 9-3-28 CONTEST OF VALIDITY.**

The grantee agrees by acceptance of a franchise that it will not at any time set up against the Village in a claim for proceeding any condition or term of the franchise as unreasonable, arbitrary or void, or that the Village had no proper authority to make such term or condition, but shall be required to accept the validity of the terms and conditions of the franchise in their entirety.

**SEC. 9-3-29 VIOLATIONS.**

- (a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the company's community antenna system within the Village for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the company.
- (b) It shall be unlawful for any person, without the consent of the company, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, picture, programs or sound.

**SEC. 9-3-30 PENALTIES.**

Any person violating or failing to comply with any of the provisions of this Chapter shall be subject to a forfeiture for each day of violation or failure to comply, not to exceed Three Hundred Dollars (\$300.00).

## CHAPTER 4

### Miscellaneous Utilities Regulations

#### 9-4-1 Utilities Billing

##### **SEC. 9-4-1 UTILITIES BILLING.**

- (a) Payment of bills for sewer and water service shall be the responsibility of the owner of the property served. All such bills shall be sent to property owners for payment. Outstanding statements as of October 1 of each year shall be added to the tax roll against the property for collection.
- (b) The procedures for billing and for payment of sewer service and volume charges, including late payment, will be the same as the procedures being followed by the Village Water Utility, so far as applicable. In the event a sewer billing remains unpaid after notice is given, it shall be listed as a delinquent sewer assessment on the Statement of Property Taxes and shall be a lien upon the property served.

# TITLE 10

## Motor Vehicles and Traffic

Chapter 1	Traffic and Parking
Chapter 2	Bicycles
Chapter 3	Snowmobiles
Chapter 4	All-Terrain Vehicles and Off-Road Motor Vehicle Operation
Chapter 5	Abandoned and Junked Vehicles

### CHAPTER 1

#### Traffic and Parking

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- 10-1-50            Penalties
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# ARTICLE A

## General Provisions

### SEC. 10-1-1 STATE TRAFFIC LAWS ADOPTED.

- (a) **Statutes Adopted.** Except 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 a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, 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 vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Edgar, 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 Chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
  - 941.03 Highway Obstruction
  - 943.11 Entry into Locked Vehicle
  - 943.23 Operating Motor Vehicles Without Owners Consent
  - 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 1985-86 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. 10-1-2 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. Sec. 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 Explosives by Motor Vehicle
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 Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter .
- (c) **Owner's liability.** Any owner of a vehicle not equipped as required by this section who knowingly uses 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 Sec. 347.04, Wis. Stats., relating to non-applicability of demerit points shall apply to owners convicted of a 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 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 Sec. 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 Administrative 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. 10-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES: PROHIBITED SIGNS, SIGNALS AND MARKERS.**

- (a) **Duty of Village Administrator 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 10-1-1, require the erection of traffic control devices for enforcement, the Village Administrator, 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 Village Administrator 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 Edgar .
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Village Administrator 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 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, sign marker, mark or

monument unless permission is first obtained from the Village Administrator 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 Village Administrator or his designee may remove any sign, sign 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 Village Administrator 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. 10-1-4 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 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

#### **SEC. 10-1-5 SCHOOL BUS WARNING LIGHTS.**

- (a) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, 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.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

#### **SEC. 10-1-6 BLUE WARNING LIGHTS ON POLICE VEHICLES.**

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (Im)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 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.

#### **SEC. 10-1-7 ACCIDENT REPORTS.**

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 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 with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

**SEC. 10-1-8 AND SEC. 10-1-9**

**RESERVED FOR FUTURE USE.**

## ARTICLE B

### Controlled Intersections; Street Traffic Regulations

#### SEC. 10-1-10 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 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 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 Sec. 346.18(6), WIS. Stats.

#### SEC. 10-1-11 THROUGH STREETS DESIGNATED.

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the following streets or portions thereof set forth in this Section are declared to be through highways and traffic signs and traffic signals giving notice thereof shall be erected by the Village in accordance with Section 10-1-3:

- (a) Chesak Avenue from east curb line of Third Avenue to east Village limits.
- (b) Chesak Avenue from west curb line of Third Avenue to west Village limits.
- (c) Fourth Avenue from south curb line of Chesak Avenue to north curb line of Redwood Street.
- (d) Third Avenue from north Village limits to south Village limits.
- (e) Lutz Street from east curb line of Third Avenue to north curb line of Oak Street.
- (f) Kaiser Avenue at its intersection with Elm Street and its intersection with Freeman Street.
- (g) First Avenue from south curb line of Oak Street to north curb line of Birch Street.
- (h) Birch Street from east curb line of Second Avenue to west curb line of Kaiser Avenue.
- (i) Second Avenue from south curb line of Oak Street to north curb line of Beech Street.
- (j) Beech Street from east curb line of Third Avenue to west curb line of Wisconsin Avenue.
- (k) Wisconsin Avenue at its intersection with G. Wagner Drive to north curb line of Thomas Hill Road.
- (l) Thomas Hill Road from east curb line of Third Avenue to east Village limits.
- (m) Redwood Street from west curb line of Third Avenue to west Village limits.
- (n) Maple Street from west curb line of Fourth Avenue to east curb line of Eighth Avenue.
- (o) Eighth Avenue from south curb line of Maple Street to north curb line of Redwood Street.
- (p) Eddy Road from west curb line of South Eighth Avenue to west curb line of North Eighth Avenue.
- (q) Quaw Avenue from west curb line of Third Avenue to west end of street.
- (r) Brooklyn Avenue from west curb line of Third Avenue to east curb line of Charles Street.
- (s) Gumaer Street from south curb line of Quaw Avenue to north curb line of Brooklyn Avenue.
- (t) Thomas Street from east curb line of Charles Street to west curb line of Madge Street.
- (u) Oak Street from east curb line of Third Avenue to east end of Oak Street.
- (v) Maple Street from east curb line of Second Avenue to east end of Maple Street.
- (w) Fifth Avenue from south curb line of Maple Street to north curb line of Redwood Street. L

State Law Reference: Sec. 349.07, Wis. Stats.

#### SEC. 10-1-12 HEAVY TRAFFIC ROUTES.

- (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, including recreational vehicles, and having a gross weight of more than fifteen thousand (15,000) 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 Village Administrator 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. Yellow sign posts may also be used to designate heavy traffic routes.
  - (2) Maps. Heavy traffic routes shall be shown on the Official Traffic Map.
  - (3) Construction equipment.
    - a. The Village Administrator 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) **Special and Seasonal Weight Limitations.** The Village Administrator shall have the authority to impose special or seasonal weight limits on any highway, bridge or culvert maintained by the Village to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 10-1-3.
- (f) **Heavy Traffic Routes Designated.** All streets and alleys within the Village of Edgar are designated Class "B" highways subject to the weight limitations of Sec. 346.16, Wis. Stats., except the following streets or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes and are excepted from the Class "B" weight limitations:
- (1) County Trunk Highway H.

#### **SEC. 10-1-13 SPEED LIMITS.**

Pursuant to Sec. 349.11(3)(c) of the Wisconsin Statutes, the speed limits set forth in Sections 346.57 through 346.58 of the Wisconsin Statutes are set forth upon the following streets or portions of streets:

- (a) The maximum speed on the following-named streets shall be fifteen (15) miles per hour when indicated by official signs:
- (1) Lutz Street from Third Avenue to First Avenue.
  - (2) First Avenue from Oak Street to Lutz Street.
  - (3) Oak Street from Third Avenue to First Avenue.
  - (4) Quaw Avenue from Third Avenue to west end of the street.
  - (5) Madge Street from Quaw Avenue to Brooklyn Avenue.
  - (6) Gumaer Street from Quaw Avenue to Brooklyn Avenue.
  - (7) Brooklyn Avenue from Third Avenue to west end of the street.
  - (8) Maple Street from Second Avenue to east end of the street.
  - (9) Third Avenue from a point one hundred (100) feet south of its intersection with Maple Street north to a point one hundred (100) feet north of its intersection with Birch Street.
- (b) The maximum speed on the following named streets shall be twenty-five (25) miles per hour when indicated by official signs:
- (1) Chesak Avenue/Elderberry Road from its intersection with Marathon County Highway "H" (North Third Avenue) west to the Village limits of the Village of Edgar, a point which is

approximately two thousand six hundred (2,600) feet west of the above named Intersection.

**SEC. 10-1-14 U-TURNS PROHIBITED.**

No person shall turn a vehicle so as to proceed in the opposite direction at the intersection of Third Avenue and Redwood Street.

**SEC. 10-1-15 THROUGH SEC. 10-1-19 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Parking Regulations

#### SEC. 10-1-20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.

- (a) **Forty-eight (48) Hour limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public street or public parking lot in the Village for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle 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 and the storage fees on said vehicle before he may recover the possession thereof.
- (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. The Village Administrator shall 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 (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

#### SEC. 10-1-21 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Police Department 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.



- (b) **Temporary Parking Restrictions for Special Event.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.
- (c) **Parking During Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Police Department indicating no parking due to snow removal.

**SEC. 10-1-22 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.**

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
  - (1) Within an intersection.
  - (2) On a crosswalk.
  - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
  - (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) Within fifteen (15) feet of the driveway entrance to a fire station.
  - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
  - (8) In any place or manner so as to obstruct, block or impede traffic.
  - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
  - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
  - (11) Upon any bridge.
  - (12) 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.
  - (13) Upon any terrace or sidewalk in the Village at any time.
  - (14) In a loading zoning.
  - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
  - (16) In any municipal park when said park is closed to the public.
- (b) **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 which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (d) **Parking Vehicle for Repair or to Display for Sale Prohibited.** No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale.

**SEC. 10-1-23 PARKING RESERVED FOR VEHICLES OF DISABLED.**

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no 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. 10-1-24 LEAVING KEYS IN VEHICLE PROHIBITED; PARKING VEHICLES WITH MOTOR RUNNING.**

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in Violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (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 thirty (30) 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.

**SEC. 10-1-25 UNATTENDED MOTORIZED MACHINERY.**

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.

**SEC. 10-1-26 ANGLE PARKING.**

- (a) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that angle parking 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.
- (b) No person shall at any time park any vehicle:
  - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
  - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
  - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

**SEC. 10-1-27 PARKING PROHIBITED DURING CERTAIN PERIODS.**

When signs or parking meters are erected in any block giving notice thereof, no person shall park or leave standing any vehicle for longer than the period specified upon any of the following highways, streets or parts thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

- (a) **Winter All-Night Parking prohibited.** Any person, except physicians on emergency call or persons given special authorization by the Police Department, shall park any vehicle between the hours of 3:00 a.m. and 6:00 a.m. on any day on any of the streets of the Village of Edgar from November 1 to April 1.

- (b) **Post Office.** No person shall, during the hours of 8:00 a.m. and 5:00 p.m. on any day, except Sundays and legal holidays, park, stop or leave standing any vehicle on the south side of Beech Street, abutting the premises housing the United States Post Office in the Village, from the west curb line of Fourth Avenue eastward for one hundred (100) feet for a period of time longer than five (5) minutes.
- (c) **Parking Motor Vehicles on Private Property.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the
- (d) **Parking Prohibited.** Parking shall be prohibited at the following locations at any time:
  - (1) West side of Fourth Avenue between Maple Street and Birch Street.
  - (2) North side of Birch Street between Kaiser and First Avenue, and the north side of Birch Street from First Avenue to Second Avenue.
  - (3) North side of Elm Street from Second Avenue to Third Avenue and the south side of Elm Street from Third Avenue east to the Village alley.
  - (4) North side of Maple Street from Third Avenue to the east end of the street.
  - (5) South side of Maple Street between Second Avenue and the east end of the street between the hours of 7:30 a.m. and 3:30 p.m. on school days.
  - (6) Between posted signs at the entrance to the Edgar High School on Birch Street and the south side of Birch Street from school parking lot driveway (also known as the ag shop driveway) east to the intersection with Kaiser Avenue and the west side of Kaiser Avenue from its intersection with Birch Street north to the north end of the school parking lot.
  - 7) North side of Maple Street from the east side of the Fifth Avenue street line extended to the east Badger Basket driveway and the south side of Maple Street from Fifth Avenue to the east Badger Basket driveway.
  - (8) East and west side of Third Avenue from one hundred fifty (150) feet south of the south end of Scotch Creek Bridge to one hundred fifty (150) feet north of the north end of the Scotch Creek bridge on the west side of Third Avenue and to fifty (50) feet north of the north end of the Scotch Creek Bridge on the east side of Third Avenue.
  - (9) South side of Thomas Hill Road from South Third Avenue east to the Village limits.
  - (10) West Limits Road from West Redwood Street South to its termini.
  - (11) Chesak Avenue between Second Avenue and Third Avenue.
  - (12) The east side of Third Avenue south of the intersection of Third Avenue and Chesak Avenue for a distance of one hundred sixty five feet (165').
- (e) **Limited Parking.** Parking shall be prohibited at the following locations during specified periods:
  - (1) During school hours on the east side of Fourth Avenue between Maple Street and Birch Street.
  - (2) During school hours on the east and west sides of Second Avenue between Birch Street and Maple Street.
  - (3) For more than two (2) hours on the north or south sides of Redwood Street between Third Avenue and Fifth Avenue from 8:00 a.m. to 6:00 p.m. Monday through Friday.
  - (4) For more than two (2) hours at any time on the east or west sides of south Third Avenue between Redwood Street and the south side of Thomas Hill Road.
  - (5) For more than two (2) hours on the east and west sides of Third Avenue between the south side of Thomas Hill Road and one hundred fifty (150) feet north of the Scotch Creek Bridge from 8:00 a.m. to 6:00 p.m., Monday through Friday.

**SEC. 10-1-28 PARKING OF VEHICLES OVER 12,000 POUNDS OR 16 FEET RESTRICTED.**

- (a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle with a tare or empty weight in excess of twelve thousand (12,000) pounds gross weight, or over sixteen (16) feet in length, or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue or public way in the Village for more than two (2) hours in any one (1) twenty-four (24) hour period. 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, ware 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.

- (b) **Removal.** Any vehicle unlawfully parked under Subsection (a) or (b) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-32, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

#### **SEC. 10-1-29 TRAFFIC AND PARKING REGULATIONS ON SCHOOL DISTRICT GROUNDS.**

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Edgar School District located within the Village:

- (a) **Parking.** All parking on any grounds of the Edgar School District from 7:00 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. All parking on grounds of the Edgar School District from 7:00 a.m. to 4:30 p.m. shall be by permit only and shall be restricted to areas designated for parking by the District Board. When signs are erected by the School Board giving notice of such restrictions, no person shall park a motor vehicle in an area other than one for which he shall have been issued a permit nor without displaying a valid permit. 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 Edgar School District grounds at a speed in excess of fifteen (15) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall at any time operate a motor vehicle, other than a school bus or emergency vehicle, in or upon any drive designed for buses only by sign during the hours of 7:00 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. 10-1-30 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. 10-1-31 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.**

- (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 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 10-1-1 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 for the general public for parking or vehicular traffic.

#### **SEC. 10-1-32 REMOVAL OF ILLEGALLY PARKED VEHICLES.**

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp 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 the actual 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. 10-1-33 INOPERABLE, WRECKED OR DISCARDED VEHICLES.**

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than twenty-four (24) 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 10-1-32.
- (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. 10-1-34 THROUGH SEC. 10-1-39**

**RESERVED FOR FUTURE USE.**

## ARTICLE D

### Miscellaneous Provisions

#### **SEC. 10-1-40 DISTURBANCE OF THE PEACE WITH A MOTOR VEHICLE.**

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.

#### **SEC. 10-1-41 PEDESTRIAN REGULATIONS.**

(a) **Pedestrian Obedience to Traffic Control Devices and Regulations.**

(1) Obedience to Traffic Control Devices. No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the Village of Edgar unless otherwise directed by a law enforcement officer.

(2) Crossing at Crosswalks. No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or closed to public travel.

(b) **Prohibited Pedestrian Crossings.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

#### **SEC. 10-1-42 MOTOR VEHICLES ON PEDESTRIAN WAYS AND OVER PASSES.**

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Edgar except municipal or county maintenance vehicles.

#### **SEC. 10-1-43 SCHOOL CROSSING GUARDS.**

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

#### **SEC. 10-1-44 DRIVING OVER CURBING OR SAFETY ISLANDS PROHIBITED.**

(a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Edgar.

(b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

#### **SEC. 10-1-45 THROUGH SEC. 10-1-49 RESERVED FOR FUTURE USE.**

## ARTICLE E

### Enforcement and Penalties

#### SEC. 10-1-50 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 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 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 therefor 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, except a 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 Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 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 forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapters 341 to 348, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) Penalty for Other Parking Violations. The penalty for all other parking violations not included under Subsection (1) above, subject to the exceptions listed below, shall be Ten Dollars (\$10.00). Failure to pay the increased penalty within fifteen (15) days after issuance of the violation further causes the penalty to be increased to Twenty-five Dollars (\$25.00).
- (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 Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

#### SEC. 10-1-51 ENFORCEMENT.

- (a) Enforcement Procedures.
- (1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Circuit Court.

(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. 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 10-1-1, 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) Uniform Traffic Offenses.
  - a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to 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 Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions of Sec. 34.5.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 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 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 Sec. 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 to the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.
  - 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 Sec. 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 Municipal Clerk of Courts.
- (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 forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within ten (10) days of the date of citation to the above named office the amount of Ten Dollars (\$10.00). 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 ten (10) days of the date of the citation, the Chief of Police may forward a copy of the citation to the Village Attorney for prosecution.
  - 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 Administrator. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Administrator 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 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) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.
- (4) 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. Adm. Code Trans. 128 and all amendments or changes thereto.
  - b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. 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. 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.
  - d. 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.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

## CHAPTER 2

### Bicycles

10-2-1	Definitions
10-2-2	Manner of Operation Restricted
10-2-3	Lighting and Other Equipment
10-2-4	Parking a Bicycle
10-2-5	Rules of the Road
10-2-6	Bicycle Regulations
10-2-7	Skateboards
10-2-8	Penalties

#### SEC. 10-2-1 DEFINITIONS.

As used in this Chapter:

- (a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (f) **Identification Tag** means a metal plate or sticker indicating that a bicycle is registered.
- (g) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

#### SEC. 10-2-2 MANNER OF OPERATION RESTRICTED.

No bicycle shall be allowed to proceed in any street 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 in the Village nor shall any bicycle rider carry or ride any other person so that two (2) persons are on the bicycle at one time, unless a seat is provided for a second person.

#### SEC. 10-2-3 LIGHTING AND OTHER EQUIPMENT.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

#### SEC. 10-2-4 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. Bicycles shall be parked either upon the roadway against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within twenty-four (24) inches of the curb.

#### SEC. 10-2-5 RULES OF THE ROAD.

The provisions of Chapters 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of bicycles where appropriate.

#### **SEC. 10-2-6 BICYCLE REGULATIONS.**

- (a) **Rules for Turning.**
  - (1) The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right-hand edge or curb of the highway.
  - (2) The operator of a bicycle intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the street and pass immediately to the left of the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
  - (3) At any intersection where traffic is controlled by a traffic control signal or by a traffic officer, it shall be unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign or signal placed in accordance with the laws of the State of Wisconsin and the Ordinances of the Village.
  - (4) Crosswalks shall be used when walking a bicycle through an intersection.
- (b) **Trick Riding.** No person shall operate a bicycle upon the streets of said Village without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
- (c) **Tandem Riding.** No person shall ride or propel a bicycle on a street in said Village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.
- (d) **Emerging From Alley or Driveway.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation on Sidewalks.** No person shall operate or make use of a bicycle on sidewalks in the Village of Edgar, except on the Third Avenue Bridge.
- (h) **Parking Bicycles.** No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line, in any metered parking stall upon payment of the required coin.

#### **SEC. 10-2-7 SKATEBOARDS.**

No person shall operate a skateboard on the sidewalk in a business district. A business district for the purposes of this Section is defined as any area containing primarily commercially zoned uses which generate heavy pedestrian traffic during the business hours. Said business district shall have a minimum street frontage of one hundred (100) feet. Skateboarding on sidewalks is permitted, except as prohibited in this Section and otherwise regulated.

#### **SEC. 10-2-8 PENALTIES.**

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Ordinance Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
  - (1) First offense in one (1) year: a warning letter sent to the parent or guardian requiring their signature and return of the warning notice to the Police Department.
  - (2) Second offense in the same year: a warning letter mailed to parent or guardian.
  - (3) Third offense in the same year: a mandatory parent-child-police conference.
  - (4) Fourth and subsequent offense in the same year: referral to Marathon County Juvenile Court.
- (d) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

## CHAPTER 3

### Snowmobiles

10-3-1	State Snowmobile Laws Adopted
10-3-2	Applicability of Traffic Regulations to Snowmobiles
10-3-3	Speed; Hours of Operation; Equipment
10-3-4	Unattended Vehicles
10-3-5	Operation on Sidewalks Prohibited
10-3-6	Restrictions on Operators
10-3-7	Accidents and Accident Reports
10-3-8	Snowmobile Routes and Trails Designated
10-3-9	Penalty
10-3-10	Enforcement

#### **SEC. 10-3-1 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. 10-3-2 APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES.**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Edgar 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, 346.3, 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. 10-3-3 SPEED; HOURS OF OPERATION; EQUIPMENT.**

- (a) **Speed.** No person shall operate a snowmobile within the Village or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of ten (10) miles per hour during the hours of 10:30 p.m. and 6:00 a.m., or in excess of twenty (20) miles per hour at other times.
- (b) **Hours of Operation Restricted.** Except on a designated trail, no person shall operate a snowmobile or other off-highway vehicle anywhere within the Village between the hours of 1:00 a.m. and 6:00 a.m., except for returning home via the most direct route.
- (c) **Restriction on Equipment.** No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.

**SEC. 10-3-4 UNATTENDED VEIDCLES.**

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. 10-3-5 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 Section 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

**SEC. 10-3-6 RESTRICTONS 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. 10-3-7 ACCIDENTS AND ACCIDENT REPORTS.**

- (a) If he can do so without serious danger to himself 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 Dollars (\$200.00), 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. 10-3-8 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.**

- (a) **Routes Designated.**

- (1) **Route Designation.** Except as provided in Sections 350.02 and 350.045 of the Wisconsin Statutes, or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park, municipal golf course or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board and in compliance with this Section. The designated routes to be used within the Village limits shall be Oak Street from Kaiser Avenue to the west end of Oak Street, the alley between Redwood Street and Beech Street from First to Sixth Avenue, and Brooklyn Avenue from Third Avenue to the west end of Brooklyn Avenue.
  - (2) **Definitions.** The following definitions apply to this Section only:
    - a. Limited Access Route. A route available for use by nonresidents and residents.
    - b. Individual Route. A route to be used by Village residents only, for access to funded snowmobile/all-terrain vehicle trails and limited access routes. An individual route is to be agreed upon by the Edgar Police Chief, recorded on a Village map, which shall be signed by the individual and filed with the Village Administrator. A copy shall be supplied to the individual.
  - (3) **Rules for Use of Snowmobile and All Terrain Vehicles.** No person shall operate a snowmobile or all-terrain vehicle in the Village of Edgar.
    - a. At a time when funded county snowmobile trails are closed.
    - b. On other than designated county or Village trails as follows:
      1. On funded snowmobile/all-terrain vehicle trails.
      2. On a limited access route.
      3. On an individual route, which shall be used only for access to a funded trail or a limited access route.
    - c. At a rate of speed that is unreasonable or improper, under the conditions, and having regard for the actual and potential hazards then existing, or in any careless way so as to endanger the person or property of another or while under the influence of intoxicating liquor, fermented malt beverages, or controlled substances.
- (b) **Trail Markers.** Snowmobile clubs approved by the Village Board are directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. 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.

Cross Reference: Section 10-4-4.

#### **SEC. 10-3-9 PENALTY.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) 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. 10-3-10 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 10, 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 10-3-1 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.
- (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 Administrator .
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, r Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges there under, required 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

### All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1 State All-Terrain Vehicle Laws Adopted
- 10-4-2 Speed limits
- 10-4-3 Penalties
- 10-4-4 Unauthorized Operation of Motor Vehicles on Public or Private Property

#### **SEC. 10-4-1 STATE ALL-TERRAIN VEHICLE LAWS ADOPTED.**

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33 (2) Registration
- 23.33 (3) Rules of operation [including Subsections (a) through (i)]
- 23.33 (4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33 (5)(a)(c) Age restrictions
- 23.33 (6) Equipment requirements [including Subsections (a) through (e)]
- 23.33 (7) Accidents [including Subsections (a) and (b)]
- 23.33 (1) Definitions [including Subsections (a) through (n)]

#### **SEC. 10-4-2 SPEED LIMITS.**

No person shall operate an all-terrain vehicle within the Village, except on an all-terrain vehicle route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Edgar at a speed in excess of ten (10) miles per hour. No person may operate an all-terrain vehicle on the designated access route within the Village of Edgar at a speed in excess of ten (10) miles per hour.

#### **SEC. 10-4-3 PENALTIES.**

Violation of this Chapter shall be punishable by a forfeiture and enforced pursuant to Sections 10-4-10 and 10-4-11.

#### **SEC. 10-4-4 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 drive- way, parking lot or other way for motor vehicles; or
    - c. Is a private trail for use only by the owner or his permittee's 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 creek-bed, 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, 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 Section 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 lands 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.
  - (5) Street or Highway means all public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (c) **Unauthorized Off-road Operation Prohibited**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
  - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in authorized areas pursuant to Sections 10-3-9 and 10-4-2, it shall be unlawful to operate any mini-bike, 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, sidewalks, bikeways, 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. Failure to post private property does not imply consent for use. Any operator of a vehicle off-road shall, at all times, have the consent of the owner of private property before operation of such vehicle on private property.
- (d) **Routes.** All-terrain vehicles comply with the provisions of Section 10-3-8.
- (e) **Operations of Motor Vehicles Off-Road.** No person shall operate a motor vehicle off-road in the Village of Edgar in the following manner:
- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
  - (2) In any careless way so as to endanger the person or property of another.
  - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
  - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
  - (5) Without a functioning muffler.
  - (6) Upon slide, ski or skating areas, except for the purposes of serving the area or crossing the places where marked by designated trails.

## CHAPTER 5

### Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles; Definitions
10-5-2	Removal and Impoundment of Vehicles
10-5-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4	Disposal of Abandoned Vehicles
10-5-5	Report of Sale or Disposal
10-5-6	Owner Responsible for Impoundment and Disposal Costs
10-5-7	Conflict with Other Code Provisions
10-5-8	Junked Vehicles and Appliances on Private Property

#### SEC. 10-5-1 ABANDONED VEHICLES; DEFINITIONS.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Edgar 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 Edgar 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 forty-eight (48) 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, semi-trailer 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 traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
  - (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) 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 and is enclosed within a building, 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 and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

#### SEC. 10-5-2 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 10-5-3.

#### SEC. 10-5-3 REMOVAL, STORAGE, NOTICE OR RECLAIMER OF ABANDONED VEHICLES.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, re-claimer or disposal of abandoned vehicles as defined in Section 10-5-1.

- (b) **Removal.**
- (1) Any police officer who discovers any motor vehicle, trailer, semi-trailer or mobile home on any public street or highway or private or public property in the Village of Edgar 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 Chief of Police or his designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Chief of Police 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 Chief of Police or his designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), 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 provided, 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. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). 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 Chief of Police or his designee to prove an ownership or secured party interest in said vehicle.
- (d) **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, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Edgar;
  - (2) The "determined value" of the abandoned vehicle;
  - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
  - (4) 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 Dollars (\$100.00) 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
  - (5) 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. 10-5-4 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. A Class 1 Notice, including the description of the vehicles, 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. 10-5-5 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 enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business

day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

#### **SEC. 10-5-6 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. 10-5- 7 CONFLICT WITH OTHER CODE PROVISIONS.**

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

#### **SEC. 10-5-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.**

- (a) **Storage Restricted.** No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, inoperable appliances or other accumulations of building materials, scrap metal or other refuse shall be stored upon private residential property or unenclosed within a building upon nonresidential property within the Village for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance.
- (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 vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of 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, recreational vehicles or trailers which do not bear lawful current license plates.
  - (3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats. (4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance 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, in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or parking of seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. Such storage shall not be unsightly or constitute a public nuisance. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional six (6) months' time to comply with this Section where exceptional facts and circumstances warrant such extension; the Village Board may require fencing.
- (d) **Enforcement**
  - (1) Whenever the Police Department shall find any vehicles, appliances or refuse 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, appliance or refuse is stored of the violation of this Section. If said vehicle, appliance or refuse 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, appliance or refuse to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 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, appliance or refuse 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: Sec. 342.40, Wis. Stats.

## TITLE 11

### 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	Offenses by Juveniles
Chapter 7	Public Nuisances

### CHAPTER 1

#### State Statutes Adopted.

11-1-1 Offenses Against State Laws Subject to Forfeiture

#### **SEC. 11-1-1 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
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
940.291	Failure of a Police Office to Render Aid
941.10	Negligent Handling of Burning Materials
941.12	Interfering With or Failing to Assist in Firefighting
941.13	False Alarms and Interference with Firefighting
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
943.125	Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwelling
943.15	Entry Into Locked Site
943.20	Theft of Property
943.21	Fraud on Innkeeper



943.22	Cheating Tokens
943.23(2)	Operating Vehicle Without Owner's Consent
943.24(1)	Worthless Checks
943.34(1)	Receiving Stolen Property
943.35	Receiving Property From a Child
943.37	Alteration of Property Identification Marks
943.38(3)	Forgery
943.41	Credit Card Crimes
943.50(h)(a)	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
945.04	Permitting Premises to be Used for Commercial Gambling
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42(2)	Escape
946.69	Falsely Assuming to Act as Public Officer of Employee
946.70	Impersonating Peace Officer
946.72(2)	Tampering With Public Records and Notices
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.013	Harassment
947.015	Bomb Scares
947.02	Vagrancy
947.047	Uttering Shores
947.06	Unlawful Assemblies
947.08	Crime Comics
948.01	Definitions
948.015	Construction and Application
948.02	Mistreating Animals
948.03	Dog napping or Catnapping
948.04	Leading Animal from Motor Vehicle
948.05	Transportation of Animals
948.06	Use of Poisonous and Controlled Substances
948.07	Use of Certain Devices Prohibited
948.08	Instigating Fights Between Animals
948.09	Shooting at Caged or Staked Animals
948.10	Sale of Baby Rabbits, Chicks and Other Fowl
948.11	Artificially Colored Animals; Sale
948.13	Providing Proper Food and Drink to Confined Animals
948.14	Providing Proper Shelter
948.15	Animals; Neglected or Abandoned; Police Powers

## CHAPTER 2

### Offenses Against Public Safety and Peace

11-2-1	Regulation of Firearms and Explosives
11-2-2	Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
11-2-3	Safe Use and Transportation of Firearms and Bows
11-2-4	Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited
11-2-5	Harassing or Obscene Telephone Calls
11-2-6	Sale and Discharge of Fireworks Restricted
11-2-7	Obstructing Streets and Sidewalks Prohibited
11-2-8	Loitering Prohibited
11-2-9	Loud and Unnecessary Noise Prohibited
11-2-10	Disorderly Conduct
11-2-11	Possession of Controlled Substances
11-2-12	Unauthorized Presence on School Property Prohibited
11-2-13	Failure to Obey Lawful Order

#### SEC. 11-2-1 REGULATION OF FIREARMS AND EXPLOSIVES.

- (a) **Discharge and Possession of Firearms Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow, in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State law.
- (b) **Shooting Into Village limits.** 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) **Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle, pistol or bow and arrow ranges or shooting galleries approved by the Village Board, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.
- (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- (e) **Hunting Prohibited.** Hunting is prohibited within the corporate limits of the Village of Edgar.
- (f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

#### SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) **Concealed Weapons Prohibited.**
  - (1) No person shall within the Village wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.
  - (2) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.
- (b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting

within the scope of their duties. This Subsection 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.

- (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.
- (d) **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 "Sucbai" or similar weapon within the Village of Edgar.
  - (2) For the purpose of this Section, the following definitions shall apply:
    - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
    - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
    - c. "Sucbai." A short length of wood or metal or similar material which when cupped 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. 11-2-3 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. 340.01(22), Wis. Stats.
  - (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
  - (6) Roadway has the meaning given under Sec. 340.01(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. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(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 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), no person may load or 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 in the center of a road.
  - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture of not more than One Hundred Dollars (\$100.00).

(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 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) Subsections (b)(2) and (3) do not apply to the holder of a permit under r, Sec. 29.09, 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. 11-2-4 THROWING OR SHOOTING OF ARROWS, STONES AND ONLER MISSILES PROHIBITED.**

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile at anything or person within the Village of Edgar, provided, however, upon written application to the Chief of Police and Village Board, a person may be granted permission by the Village Board to construct and maintain supervised archery ranges if, in the opinion of the Village Board, the construction or maintenance of such ranges will not endanger the public health and safety.

**SEC. 11- 2- 5 HARASSING OR OBSCENE TELEPHONE CALLS.**

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

- (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 ensures, 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 or numbers.

**SEC. 11-2-6 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.**

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 7, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

**SEC. 11-2-7 OBSTRUCTING STREEITS 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 hall 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. 11-2-8 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. 11-2-9 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 (1) 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

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 causes 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 muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (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.; provided, however, the Building Inspector 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, or 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 nature.

(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. and 7:00 p.m. provided that said equipment does not exceed a maximum sound 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. Operations of emergency equipment shall be exempt from this Chapter. Snow blowers 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) 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.
- (d) **Permits for Amplifying Devices.**
- (1) Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Edgar is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
  - (2) Grounds or Reasons for Denial or Allowance. The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
  - (3) Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

**SEC. 11-2-10 DISORDERLY CONDUCT.**

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Edgar shall:
  - (1) In any public or private place engage in violent, noisy, riotous, 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, or to indecently expose his person.

**SEC. 11-2-11 POSSESSION OF CONTROLLED SUBSTANCES.**

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

State Law Reference: Chapter 161, Wis. Stats.

**11-2-12 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 7:00 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 exception shall apply only to the portion of the premises on which 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 building 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 "Trespassing or Loitering on School Premises is Strictly Prohibited."

**SEC. 11-2-13 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.



## CHAPTER 3

### Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Retail Theft
11-3-5	Storage of Junk, Etc., Regulated
11-3-6	Issuance of Worthless Checks
11-3-7	Theft of library Material
11-3-8	Damaging or Tampering With Coin Machines
11-3-9	Damage to Public Property
11-3-10	Disturbing Cemetery Property
11-3-11	Penalties

#### SEC. 11-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

- (a) **Destruction of Property.** 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 Edgar School District or to any private person, without the consent of the owner or proper authority.
- (b) **Parental liability.** 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 Dollars (\$1,000.00).
- (c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

#### SEC. 11-3-2 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 Edgar 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 or immediately if such litter or debris presents a traffic or safety hazard. 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 percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the 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 material 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 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 material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibited sales of newspapers in vending machines.
  - (3) Advertisements Upon Public or Private Property. No person shall place any advertisement upon any public property or any street, alley or public ground or upon any private property situated and fixed in. any street, alley or public ground or upon any other private property, except by the permission of the owner thereof, but this Section shall not apply to the posting of notices required by law.

**SEC. 11-3-3 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. 11-3-4 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 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 Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

**SEC. 11-3-5 STORAGE OF JUNK, ETC., REGULATED.**

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 or upon permit issued by the Village Board. The Chief of Police or Building Inspector 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 10, Chapter 5.

#### **SEC. 11-3-6 ISSUANCE OF WORTHLESS CHECKS.**

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) 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, the 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 nonpayment 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 Dollars (\$50.00) if the worthless check is for an amount equal to or less than One Hundred Fifty Dollars (\$150.00) and shall forfeit not less than One Hundred Dollars (\$100.00) if the worthless check is an amount greater than One Hundred Fifty Dollars (\$150.00) and less than Five Hundred Dollars (\$500.00), together with the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

#### **SEC. 11-3-7 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, and specifically the public libraries serving the Village of Edgar.
  - (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, audio-visual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of 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 even 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 another is evidence of intentional concealment on the part of the person so 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 later interrogation of the accused person. Compliance with this Section entitles 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: Sec. 943.61, Wis. Stats.

#### **SEC. 11-3-8 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. 11-3-9 DAMAGE TO PUBLIC PROPERTY.**

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the 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. 11-3-10 DISTURBING CEMETERY PROPERTY.**

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injury or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injury 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. 11-3-11 PENALTIES.**

In addition to the general penalty of this Code in Section 1-1-6 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 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

## CHAPTER 4

### Obscenity

11-4-1 Exposing Minors to Harmful Materials

11-4-2 Obscenity Prohibited

#### SEC. 11-4-1 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 there of 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) "Sadomasochistic 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 sadomasochistic abuse, which taken as a whole appeals to the prurient interest in sex, 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 suspect under this Section; 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 produced, or sound recording which contains any material 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 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: Sec. 944.25, Wis. Stats.

#### **SEC. 11-4-2 OBSCENITY PROHIBITED.**

- (a) **Definitions.** In this Section, the following words shall have the following definitions: .
  - (1) Obscene Material means a writing, picture, sound recording or film and Obscene Performance means a live exhibition before an audience which:
    - a. The average person, applying contemporary community standards, would find appeals to prurient interests if taken as a whole;
    - b. Under contemporary community standards, describes or shows sexual conduct in a patently offensive way; and
    - c. Lacks serious literary, artistic, political or scientific value as measured by objective standards if taken as a whole.
  - (2) Sexual Conduct means the commission of simulation of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.
- (b) Whoever does any of the following with knowledge of the character and content of the material or performance is guilty of a violation of the Code of Ordinances:
  - (1) Imports, prints, advertises, sells, has in his or her possession for sale, or publishes, exhibits or transfers any obscene material.
  - (2) Advertises, produces or performs in any obscene performance.
  - (3) Has in his or her possession, with intent to transfer or exhibit to a person under the age of eighteen (18) years, any obscene material.
  - (4) Transfers or exhibits any obscene materials to a person under the age of eighteen (18) years.
  - (5) Requires, as a condition to the purchase of periodicals, that a retailer accept obscene material.
- (c) **Review of Material.** In determining whether material is obscene under Subsections (a)(1)a and (a)(1)c, a judge or jury shall examine individual pictures or passages in the context of the work in which they appear.

## CHAPTER 5

### Offenses Involving Alcoholic Beverages

11-5-1	Outside Consumption
11-5-2	Sale to Underage or Intoxicated Persons Restricted
11-5-3	Underage Persons' Presence in Places of Sale; Penalty
11-5-4	Underage Persons; Prohibitions; Penalties
11-5-5	Defense of Sellers
11-5-6	Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards
11-5-7	Possession of Alcohol Beverages on School Grounds
11-5-8	Adult Permitting or Encourage Underage Violation
11-5-9	Solicitation of Drinks Prohibited

#### SEC. 11-5-1 OUTSIDE CONSUMPTION.

(a) **Alcoholic Beverages in Public Areas.**

- (1) Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the Village or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Village except as licensed premises.
- (2) Parks. It shall be unlawful for any person to drink or have in their possession any alcohol beverage in any Village park between the hours of 11:00 p.m. and 6:00 a.m. except at licensed premises.
- (3) Private Property Held Out For Public Use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed remises.
- (4) Leaving License Premises with Open Container.
  - a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
  - b. It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
  - c. It shall be unlawful for any patron to remove an original unopened package, container or bottle containing any alcohol beverage from the licensed premises between the hours of 9:00 p.m. and 8:00 a.m.
- (5) Picnic Beer Permits For Parks.
  - a. It shall be unlawful for any group of adult persons which exceeds thirty (30) to consume any alcohol beverages in any park areas without first obtaining a Picnic Beer Permit from the Village. The Picnic Beer Permits shall be issued by the Village Administrator with a copy of the permit sent to the Chief of Police.
  - b. Applicants for special Class "B" Permits shall fully comply with the requirements of Section 7-2-16.
  - c. 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. Main point of sale purchases shall end at 12:00 midnight.
- (6) 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 for a designated area pursuant to this Code of



Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2. are fully complied with.

(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 un-malted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) 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.
- (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

**SEC. 11- 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 Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
- (2) Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
- (3) In addition to the forfeitures provided in Subsections (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 Sec. 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 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Sec. 125.07, Wis. Stats.

**SEC. 11-5-3 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 Subsection. An underage person may enter and remain on Class "B" or "Class B" premises under this Subsection 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 Subsection 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 Subsection 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 under- r age 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 Dollars (\$500.00).

#### **SEC. 11-5-4 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.**

- (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 11-5-3(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 beverage 15 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 Dollars (\$50.00), 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 Dollars (\$100.00), 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 Dollars (\$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 (d), the Court shall set standards for the program within the budgetary limits established by the Village 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 justice 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. 11-5-5 DEFENSE OF SELLERS.**

- (a) **Defense s.** 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 purchaser 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 Permittee's.** 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: Sec. 125.07(6) and (7), Wis. Stats.

**SEC. 11-5-6 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 Sec. 125.08, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) 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 Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) 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 11-5-4(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 r identification card.

State Law Reference: Sec. 125.09(3), Wis. Stats.

**SEC. 11-5-7 POSSESSION OF ALCOHOL BEVERAGE ON SCHOOL GROUNDS PROHIBITED.**

- (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 (1) 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 Dollars (\$200.00), except that Sec. 48.344, Wis. Stats., and Section 11-5-4(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-6-5.

**SEC. 11-5-8 ADULT PERMITTING OR ENCOURAGING UNDERAGE VIOLATION.**

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control.

This Subsection does not apply to alcoholic beverages used exclusively as part of a religious service.

- (b) No adult may intentionally encourage or contribute to a violation of Section 11-5-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

**SEC. 11-5-9 SOLICITATION OF DRINKS PROHIBITED.**

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Section 125.02(1) of the Wisconsin Statutes, or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

## CHAPTER 6

### Offenses by Juveniles

11-6-1	Curfew
11-6-2	Possession of Controlled Substances by Juveniles
11-6-3	Petty Theft by Juveniles
11-6-4	Receiving Stolen Goods
11-6-5	Village Jurisdiction Over Persons 14 through 17 Years of Age
11-6-6	Enforcement and Penalties

#### SEC. 11-6-1 CURFEW.

- (a) **Curfew Established.** It shall be unlawful for any person under sixteen (16) 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 Edgar between the hours of 12:00 midnight and 5:00 a.m., 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 therefor. 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 therefor .
- (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 thereto.
    - 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 18 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) **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under sixteen (16) years of age to allow or permit such person to violate the provisions of (a) or (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 Section 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 sixteen (16) years of age to violate this Section.
- (d) **Responsibility of Places of Amusement.** 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 sixteen (16) 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 sixteen (16) 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) **Detaining a Minor.** Law enforcement officers are 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 there-after report to the Police Department for the purpose of taking the custody of the minor and

shall sign a release for him or her, or such child may be taken directly from the scene of his apprehension to his home. If such child's parents or relative living nearby cannot be contacted to take custody of such child and it is determined by the apprehending officer that the child's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the child's welfare.

(f) **Penalty.**

- (1) Any parent, Guardian or person having legal custody of a child described in Subsections a) through (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. 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 Section 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 minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the cost of prosecution.

**SEC. 11-6-2 POSSESSION OF CONTROLLED SUBSTANCES BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

**SEC. 11-6-3 PETTY THEFT BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen (18), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

**SEC. 11-6-4 RECEIVING STOLEN GOODS.**

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

**SEC. 11-6-5 VILLAGE JURISDICTION OVER PERSONS 14 THROUGH 17 YEARS OF AGE.**

- (a) **Adoption of State Statute.** Section 48.11(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinance Applicable to Persons 14 Through 17 Years of Age.** Subject to the provisions and limitations of Sec. 48.11(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons fourteen (14) through seventeen (17) years of age may be brought on behalf of the Village of Edgar and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (c) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (d) **Additional Prohibited Acts.** In addition to any other provision of the Village of Edgar Code of Ordinances, no person age fourteen (14) through seventeen (17) shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- (e) **Penalty for Violations of Subsection (d).** Any person fourteen (14) through seventeen (17) years of age who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-5-7.

**SEC. 11-6-6 ENFORCEMENT AND PENALTY.**

- (a) **Citation Process.** For violations of Sections 11-6-2 through 11-6-5, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-6-2 through 11-6-5 by a person under the age of eighteen (18) shall be punishable according to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statutes. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.



## CHAPTER 7

### Public Nuisances

11-7-1	Public Nuisances Prohibited
11-7-2	Public Nuisances Defined
11-7-3	Public Nuisances Affecting Health
11-7-4	Public Nuisances Offending Morals and Decency
11-7-5	Public Nuisances Affecting Peace and Safety
11-7-6	Abatement of Public Nuisances
11-7-7	Cost of Abatement

#### SEC. 11-7-1 PUBLIC NUISANCES PROHIBITED.

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

#### SEC. 11-7-2 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. 11-7-3 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 11-7-2:

- (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) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (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 or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches 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.
- (l) **Air Pollution.** The escape of smoke, soot, cinders noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

**SEC. 11-7-4 PUBLIC NUISANCE 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 11-7-2:

- (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 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. 11-7-5 PUBLIC NUISANCE 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 11-7-2:

- (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 a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (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 eighteen (18) feet above the surface thereof.

- (j) **Noisy Animal 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 which 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 and Vehicles.** All abandoned or inoperable 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, or abandoned and inoperable vehicles.
- (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. 11-7-6 ABATEMENT OF PUBLIC NUISANCES.**

- (a) **Enforcement.** The Chief of Police, the Chief of the Fire Department, the Village Administrator and the Building Inspector 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, upon the recommendation of the appropriate department head, 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 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. 11-7-7 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, such cost shall be assessed against the real estate as a special charge,

## TITLE 12

### Parks and Navigable Waters

#### Chapter 1 Park Regulations

### CHAPTER 1

#### Park Regulations

12-1-1	Park Regulations
12-1-2	Radio-Controlled Model Airplanes Prohibited in Parks
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Ultra light Aircraft Regulated
12-1-6	Reservation of Park Space

#### SEC. 12-1-1 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 Park Commission and Chief of Police.
  - (3) No person shall permit any dog, cat or other pet owned by him to run at large in any park.
  - (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 Park Commission.
  - (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.
  - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Park Commission.
  - (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, except as permitted by this Chapter. 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.
  - (10) Motorized Vehicles. Except for authorized maintenance 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. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village authorization

for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.

- (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 15 m.p.h. unless otherwise posted.
- (13) Glass Beverage Bottles in Parks Prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass beverage containers or cans with removable pull-tabs, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (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 a approval of the Park Commission is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet horses shall be ridden at slow gait.
- (17) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.
- (18) Golfing and Sporting Activities. No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (19) Arrows. No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (20) Fees and Charges. The Village Board shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (21) Firearms; Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all Village parks.
- (22) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (23) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village Parks.
- (24) Camping. Overnight camping is not permitted in any Village park, except in the Oak Street Park during those periods authorized by the Village Administrator.
- (25) Utility Installation and Construction. Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of the Park Commission and no such installation, repair or construction shall commence without the written permission therefor from the Park Commission. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Board of the Village's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.

**SEC. 12-1-2 RADIO CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.**

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

#### **SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.**

Except as authorized by the Park Commission, no person shall dig into the turf of any Village-owned property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Park Commission, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

#### **SEC. 12-1-4 PARK HOURS.**

- (a) **Park Hours.** Except for authorized events and subject to certain exceptions listed below, all Village parks shall be closed from 11:00 p.m. to 6:00 a.m. the following day, and it shall be unlawful to enter in or be upon any park, playground or swimming pool after the hour designated.
- (b) **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Village Board may modify closing hours for particular events.
- (c) **Park Closing and Opening Dates.** The Village Board will have full authority to open and close any park, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

#### **SEC. 12-1-5 ULTRALIGHT AIRCRAFT REGULATED.**

- (a) **Definition.** An ultra light aircraft, vehicle or hang glider is an un-powered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultra light vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultra light aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.**
  - (1) No person shall operate any ultra light aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultra light aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultra light aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a Village public park or other Village property, the operator of such ultra light aircraft shall first obtain a permit from the Park Commission. No fee shall be charged by the Park Commission for such permit which may be issued for a period up to thirty (30) days nor shall the Park Commission sponsor such activity.
  - (2) Any person desiring to land or to take off from any property owned by the Village of Edgar shall, prior to receiving a permit, procure evidence of insurance providing for not less than Five Hundred Thousand Dollars (\$500,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the Village of Edgar as an additional insured and said certificate shall be filed with the Village Administrator at the time the applicant seeks a permit.

#### **SEC. 12-1-6 RESERVATION OF PARK SPACE.**

- (a) **Policy on Reservation.** The Village-owned park, park facilities, gazebo and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the Village to the end that the general welfare of the Village is protected.

- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility, park shelter or gazebo by written application filed with the Village Administrator for a permit for exclusive use of the same. The Village Administrator shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) **Application.** Applications shall be filed with the Village Administrator at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
  - (2) If the exclusive use is proposed for a group, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
  - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
  - (5) The anticipated number of persons to use the said park, area or facility.
  - (6) Any additional information which the Village Board or Village Administrator finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Deposit.** All applicants for reservation of park space, gazebo or shelters for which a permit is required shall pay a deposit as established by resolution of the Village Board to pay for the Village's maintenance and cleanup expenses. The deposit shall be returned if cleanup or repair by the Village is not required.
- (e) **Action on Application.** The Village Board or appropriate committee thereof shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (f) **Reasons for Denial.** Applicants may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
  - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  - (3) If the application does not contain the information required by Subsection (c) above.
  - (4) The application is made less than the required days in advance of the scheduled exclusive use.
  - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
  - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property .
  - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village.
- (i) **Permit Revocation.** The Village Board and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency

due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.

- (j) **Form of Permit.** Each permit shall be a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is Issued.
- (k) **Class B Fermented Malt Beverage licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the, original license and shall be presented to any law enforcement officer upon request.

Cross Reference: Sections 7-2-11 and 11-5-1.



# TITLE 13

## Land Use Regulations

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### CHAPTER 1

#### Zoning Code

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## **ARTICLE A**

### **Introduction**

#### **SEC. 13-1-1 AUTHORITY.**

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

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

#### **SEC. 13-1-2 TITLE.**

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Edgar, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

#### **SEC. 13-1-3 GENERAL PURPOSE.**

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Edgar, Wisconsin.

#### **SEC. 13-1-4 INTENT AND PURPOSES IN VIEW.**

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses.
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Edgar;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

#### **SEC. 13-1-5 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, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**SEC. 13-1-6 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 construed to be a limitation or repeal of any other power now possessed by the Village of Edgar .

**SEC. 13-1-7 SEVERABILITY AND NON-LIABILITY.**

- (a) 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.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

**SEC. 13-1-8 REPEAL AND EFFECTIVE DATE.**

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

**SEC. 13-1-9 RESERVED FOR FUTURE USE.**

## ARTICLE B

### General Provisions

#### SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Edgar .
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
  - (1) 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.
  - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

#### SEC. 13-1-11 USE REGULATIONS.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
  - (1) Classes of Conditional Uses. Conditional uses may be either denominated "regular" or "limited."
  - (2) General Conditional Use Provisions. Provisions applicable to conditional uses generally:
    - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
    - b. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
    - c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
    - d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional

use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter .

- e. Provisions in this Chapter relating generally to Conditional Uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provisions would then control) shall be deemed to be applicable to both regular and limited conditional uses.

(3) **Specific Regular Conditional Use Provisions.** Provisions applicable specifically to regular conditional uses:

- a. Regular conditional uses, either allowed by action of the Village Board .or existent at time of adoption of this Code, shall be non-lapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of same or similar type without Village Board approval. Change to conditional use of -other than same or similar type shall require procedures and approval in accordance with Article E.
- b. See Subsection (c)(2)a above as to conditional uses existent at time of adoption of this Code being deemed to be regular conditional uses.

(4) **Specific Limited Conditional Use Provisions.** Provisions applicable specifically to limited conditional uses:

- a. limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- b. limited conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Board approval and the procedures required in Article E of this Chapter .

(d) **Uses Not Specified in Code.**

- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator .
- (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter .

## SEC. 13-1-12 SITE REGULATIONS.

- (a) **Street Frontage.** All lots shall abut upon a Public street or other officially approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (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) **Lots Abutting More Restrictive District.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (e) **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 runoff, 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 Village Board, 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 Village Board may affirm, modify or withdraw its determination of unsuitability.

- (f) **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 Village Board, 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.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

### **SEC. 13-1-13 HEIGHTS AND AREA EXCEPTIONS.**

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
- (c) Residences in the residence district may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot when such building exceeds the height limit of the district in which it is located.
- (d) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.
- (e) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
- (f) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Code, such lot may be occupied by one (1) family.
- (g) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twelve (12) inches.
- (h) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3-1/2) feet, provided it be so located as not to obstruct light and ventilation.

### **SEC. 13-1-14 REDUCTION OR JOINT USE.**

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions 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. 13-1-15 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.**



## **ARTICLE C**

### **Zoning Districts**

#### **SEC. 13-1-20 ESTABLISHMENT OF DISTRICTS.**

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Edgar into the following thirteen (13) basic zoning districts:
- (1) R-1 Single-Family Residence District
  - (2) R-2 Single-Family Residence District
  - (3) R-3 Single-Family Residence District
  - (4) R-4 Multi-Family Residence District
  - (5) A/R Agriculture/Residence District
  - (6) A-1 Exclusive Agricultural District
  - (7) C-1 General Commercial District
  - (8) C-2 Highway Commercial District
  - (9) M-1 Light Industrial District
  - (10) M-2 Heavy Industrial District
  - (11) REC Recreation District
  - (12) CV Conservancy District
  - (13) R-MH Mobile Home District

#### **SEC. 13-1-21 VACATION OF ANNEXATIONS.**

- (a) **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.
- (b) **Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family District, unless the annexation ordinance places the land in another district.

#### **SEC. 13-1-22 ZONING MAP.**

- (a) The Village of Edgar is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Edgar and made a part of this Chapter. The Official Zoning Map and all the notations, references, amendments and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Administrator of the Village of Edgar.
- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this Ordinance. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

#### **SEC. 13-1-23 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, centerlines of streets, highways or alleys shall be construed to follow such centerlines.

- (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 shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (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.

**SEC. 13-1-24 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) **Purpose.** The R-1 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
  - (1) Single-family dwellings.
  - (2) Parks and open spaces.
  - (3) Churches or schools.
  - (4) Normal accessory structures to single-family residences.
  - (5) Family day care.
- (c) **Conditional Uses.**
  - (1) Duplexes.
  - (2) Home occupations and home professional offices.
  - (3) Water tower and other related utility appurtenances.
  - (4) Group day care.
  - (5) Antique shops.
- (d) **Lot Size, Area and Width.**
  - (1) Minimum lot width --Eighty (80) feet.
  - (2) Minimum lot area --Ten thousand eight hundred (10,800) square feet.
  - (3) Yard requirements.
    - a. Front --Twenty-five (25) feet from right-of-way line.
    - b. Side --Ten (10) feet from right-of-way line.
    - c. Rear --Twenty-five (25) feet from right-of-way.

**SEC. 13-1-25 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) **Purpose.** The R-2 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds. and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
  - (1) Single-family dwellings.
  - (2) Parks and open spaces.
  - (3) Churches or schools.
  - (4) Normal accessory structures to single-family residence.
  - (5) Family day care.
- (c) **Conditional Uses.**

- (1) Duplexes.
- (2) Home occupations and home professional offices.
- (3) Water tower and other related utility appurtenances.
- (4) Group day care.
- (d) **Lot Size, Area and Width.**
  - (1) Minimum lot width --One hundred (100) feet.
  - (2) Minimum lot area --Sixteen thousand (16,000) square feet.
  - (3) Yard requirements.
    - a. Front --Twenty-five (25) feet from right-of-way line.
    - b. Side --Ten (10) feet from right-of-way line.
    - c. Rear --Twenty-five (25) feet from right-of-way line.

**SEC. 13-1-26 R-3 SINGLE-FAMILY RESIDENCE DISTRICT.**

- (a) **Purpose.** The R-3 District is designed to encourage a suitable environment for residential life by permitting such neighborhood facilities as churches, schools, playgrounds and by protecting the residential character against non-compatible uses. Residences and other appropriate structures in this District shall be connected to public sewer and water systems.
- (b) **Permitted Uses.**
  - (1) Single-family dwellings.
  - (2) Parks and open spaces.
  - (3) Churches.
  - (4) Schools.
  - (5) Normal accessory structures to single-family residences.
  - (6) Family day care.
- (c) **Conditional Uses.**
  - (1) Duplexes.
  - (2) Home occupations and home professional offices.
  - (3) Water tower and other related utility appurtenances.
  - (4) Group day care.
- (d) **Lot Size, Area and Width.**
  - (1) Minimum lot width --One hundred (100) feet.
  - (2) Minimum lot area --Twelve thousand (12,000) square feet.
  - (3) Yard requirements.
    - a. Front --Twenty-five (25) feet from right-of-way line.
    - b. Side --Ten (10) feet from right-of-way line.
    - c. Rear --Twenty-five (25) feet from right-of-way line.

**SEC. 13-1-27 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.**

- (a) **Purpose.** The R-4 District is designed to accommodate multi-family residential buildings and related amenities.
- (b) **Permitted Uses.**
  - (1) Apartment buildings.
  - (2) Duplexes.
  - (3) Condominium.
  - (4) Family and group day care.
- (c) **Conditional Uses.**
  - (1) Rooming or boarding house.
  - (2) Nursing homes, health care centers, convalescent homes, etc.
  - (3) Any permitted uses under the R-1, R-2 and R-3 Districts.
- (d) **Lot Size, Area and Width.**

- (1) Lot area.
- | <u>Number of Units</u> | <u>Minimum Lot Area</u>   |
|------------------------|---------------------------|
| 1 or 2                 | 20,000 sq. feet           |
| 3 or 4                 | 24,000 sq. feet           |
| Each additional unit   | 2,000 additional sq. feet |
- (2) Yard requirements.
- a. Front --Twenty-five (25) feet from right-of-way line.
  - b. Side --Ten (10) feet from right-of-way line.
  - c. Rear --Twenty-five (25) feet from right-of-way line.

**SEC. 13-1-28 A/R AGRICULTURAL/RESIDENCE DISTRICT.**

- (a) **Purpose.** The A/R District is designed for general agricultural uses and rural residential use where public sewer is not available.
- (b) **Permitted Uses.**
- (1) Single-family dwellings.
  - (2) General farming, except feed lots and fur farms.
  - (3) Airport landing strips.
- (c) **Conditional Uses.**
- (1) Feed lots, fur farms, dog kennels.
  - (2) Sanitary landfill, provided no location shall be within one-half (1/2) mile of the boundary of a Residence District and the operation shall be in full compliance with NR 51, Wisconsin Solids Waste Disposal Standards.
  - (4) Municipal utilities and related structures.
  - (5) Group day care.
- (d) **Lot Size, Area and Width.**
- (1) Minimum lot size --One (1) acre.
  - (2) Minimum lot width --One hundred fifty (150) feet.
  - (3) Yard requirements.
    - a. Front yard setback --Fifty (50) feet from right-of-way line.
    - b. Side yard setback --Twenty (20) feet from right-of-way line.
    - c. Rear yard setback --Fifty (50) feet from right-of-way line.

**SEC. 13-1-29 A-1 EXCLUSIVE AGRICULTURE DISTRICT.**

- (a) **Purpose.** The A-I District is intended to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between compatible uses, control public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered non-farm uses, space and shape urban growth, implement the provisions of the county agricultural plan when adopted and periodically revised and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Sec. 71.09(11), Wis. Stats.
- (b) **Lands Included Within This District.** This District is generally intended to apply to lands which are limited to exclusive agricultural use including: lands historically exhibiting good crop yields or capable of such yields, lands which have been demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng, mint, sod, fruits and vegetables, and

lands which are capable of productive use through economically feasible improvements such as irrigation.

(c) **Permitted Uses.**

- (1) One (1) single-family dwelling provided all other conditions of this ordinance and the Private Sewage System Ordinance can be met.
- (2) Pole buildings, garages and other buildings necessary to the farm operation or permitted residential uses.
- (3) General farming, including dairying, livestock and poultry raising, nurseries, greenhouses, beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no greenhouse or building for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings, pens, structures, barnyards or feedlots for less than two hundred fifty (250) animals used for the housing, sheltering or feeding of livestock shall be located no less than one hundred (100) feet from navigable waters and designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.
- (4) One (1) roadside stand per farm of not more than three hundred (300) square feet used solely for the sale of products more than fifty percent (50%) of which were produced on the premises.
- (5) Forest and game management.
- (6) Hunting, fishing and trapping.
- (7) Maple syrup processing plant.
- (8) Sawmills. When located five hundred (500) feet minimum distance from a residence other than that of the owner .
- (9) Signs. Signs not to exceed fifteen (15) square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner and rural directory signs when all such signs are established in accordance with the sign regulation provisions of this Chapter .
- (10) Farm ponds.
- (11) Transient amusements, such as music festivals, carnivals and circuses, are subject to Marathon County Assembly Ordinance and local ordinances.

(d) **Conditional Uses.**

- (1) Single-family dwellings, in addition to permitted residences in Subsection (c), providing one (1) or more of the occupants is a parent or child of the operator of the farm, or when the dwelling is to be the retirement home of the present farm operator.
- (2) Canneries.
- (3) Cheese factories.
- (4) Concrete or blacktop batching plant (temporary only).
- (5) Condenseries.
- (6) Commercial feedlots and buildings housing two hundred fifty (250) or more animals.
- (7) Creameries.
- (8) Dog kennels, when located not less than three hundred (300) feet from any residential building other than that of the owner of such kennels, his agent or employee.
- (9) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (10) Facilities used In processing of agricultural products.
- (11) Fish hatchery (commercial).
- (12) Fur farms when located not less than one thousand (1,000) feet from any residential building other than that of the owner of the premises, his agent or employee.
- (13) Public utility substations, relay stations and microwave receivers and transmitters, semi-public and private utility towers, receivers, transmitters and other similar necessary appurtenant facilities.

(e) **Conditions Attached to Conditional Uses.**

- (1) Upon a consideration of information supplied at the public hearing and a review of the standards contained in Article E, the following conditions may be attached to the granting of a

conditional use: increased setbacks and yards; specifications for water supply, liquid waste and solid waste disposal facilities; landscaping and planting screens; sureties; operational control and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this Chapter .

- (2) The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special exceptions.

**(f) Height, Yards, Area Requirements.**

**(1) Lot Area.**

- a. The minimum lot size to establish a residence or farm operation is thirty-five (35) contiguous acres, except provided in Subsections (f)(1)b through d below.
- b. The minimum lot size shall be one (1) acre to establish a separate parcel for an additional residence for parents or children of the farm operator or for persons earning a substantial part of their livelihood from the farm operator .
- c. Where an additional residence for persons specified in Subsection b above is located on a farm without creating a separate parcel, the residence shall be at least forty (40) feet from other residences.
- d.
  - (1) The minimum lot size for farm residences or structures which are separated from a larger parcel through farm consolidation shall be one (1) acre outside of the road right-of-way and shall not be less than one hundred fifty (150) feet wide at the building line and road right-of-way. No lot shall be created such that the existing structure or the septic system serving the structure becomes nonconforming due to the property boundary setbacks or other minimum setbacks.
  - (2) Lots or parcels having less than thirty-five (35) acres that legally existed and had a principal structure in use prior to the Village Board's approval of this Chapter may be rebuilt in the event of damage or destruction without the need for a variance provided that a zoning permit is obtained and all minimum setback requirements and the terms of the Marathon County Private Sewage System Ordinance are met.
- e. The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separate from a larger parcel through farm consolidation shall be one (1) acre.

**(2) Setbacks**

- a. Front yard setback -Fifty (50) feet from right-of-way line.
- b. Side yard setback --Twenty (20) feet from right-of-way line.
- c. Rear yard setback --Fifty (50) feet from right-of-way line.

**(g) Standards for Rezoning.**

- (1) The State Department of Agriculture, Trade and Consumer Protection shall be mailed a copy of the notice of a public hearing on a petition for rezoning and, following the hearing, a copy of the findings upon which the decision to deny or grant the petition was based.
- (2) Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on finding which consider the following:
  - a. Adequate public facilities to serve the development are present or will be provided.
  - b. Provisions of these facilities will not be an unreasonable burden to local government.
  - c. The land is suitable for development.
  - d. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
  - e. The potential for conflict with remaining agricultural uses in the area.
  - f. The need for the proposed development location in an agricultural area.
  - g. The availability o alternative locations.
  - h. The productivity of the agricultural lands involved.
  - i. The location of the proposed development to minimize the amount of agricultural land converted.

**SEC. 13-1-30 COMMERCIAL DISTRICT**



- (a) **Purpose.** This District is designed to provide a wide range of retail services.
- (b) **Permitted Uses.**
- (1) Antique or art shop.
  - (2) Bakery.
  - (3) Bank, savings and loan or other financial institutions.
  - (4) Barber shop, beauty parlor.
  - (5) Book and stationery store.
  - (6) Business and professional offices.
  - (7) Clinic.
  - (8) Clothing store, shoe store, department store.
  - (9) Clubs and fraternal organizations.
  - (10) Drugstore.
  - (11) Florist shop, greenhouse.
  - (12) Furniture and appliance stores.
  - (13) Hardware, plumbing, heating, electrical and auto supplies.
  - (14) Insurance, real estate and stock brokerage.
  - (15) Jewelry store.
  - (16) Laundry and dry cleaning establishments.
  - (17) Music store.
  - (18) Paint and interior decoration.
  - (19) Parking lot.
  - (20) Photography store.
  - (21) Printing and duplication.
  - (22) Public utility offices, police and fire station, Village administration center and similar uses.
  - (23) Radio and television broadcasting or business office, microwave relay facilities.
  - (24) Retail stores of less than ten thousand (10,000) square feet floor area.
  - (25) Restaurants, cafe, tavern.
  - (26) Single-family dwelling, but only as an accessory use.
  - (27) Signs, billboards.
  - (28) Sporting goods, recreation equipment.
  - (29) Theaters (except drive-in theaters).
  - (30) Manufacturing or storage in connection with any of the above uses when clearly incidental to the conduct of a retail business on the premises.
  - (31) Family and group day care.
- (c) **Conditional Uses.**
- (1) Automobile sales and service (including motorcycles and recreational vehicles).
  - (2) Automobile service stations and repair shops.
  - (3) Bowling alleys, dance halls, skating rinks.
  - (4) Drive-in restaurants, drive-in theaters.
  - (5) Farm machinery and equipment sales and service.
  - (6) Feed and seed stores.
  - (7) Funeral homes.
  - (8) Health studios.
  - (9) Lumber yards.
  - (10) Transportation terminals.
  - (11) Car washes.
  - (12) Hotels, motels, motor lodges.
  - (13) Food stores.
  - (14) One (1) single-family primary dwelling.
  - (15) Two (2) or more dwelling units either as a primary use or as an accessory use.
- (d) **Lot Size, Area and Width.** Lot area -- Five thousand six hundred (5,600) square feet.

**SEC. 13-1-31 C-2 HIGHWAY COMMERCIAL BUSINESS.**

- (a) **Purpose.** The purpose of the C-2 District is to assure the desirable development of highway-oriented businesses and services.
- (b) **Permitted Uses.**
  - (1) Any use permitted in the C-1 District.
  - (2) Any conditional use listed in the C-1 District.
- (c) **Conditional Uses.**
  - (1) Shopping centers.
  - (2) Retail stores with more than ten thousand (10,000) square feet of floor area.
- (d) **Lot Size, Area and Width.**
  - (1) Lot size --Twelve thousand (12,000) square feet.
  - (2) Lot width --One hundred (100) feet.
  - (3) Yard requirements.
    - a. Front --Thirty (30) feet (from lot line); eighty (80) feet (center of ,-. . highway).
    - b. Side --Twenty (20) feet.
    - c. Rear --Thirty (30) feet.

**SEC. 13-1-32 M-1 LIGHT INDUSTRIAL DISTRICT.**

- (a) **Purpose.** The M-1 District is intended for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area by reason of noise, odor, dirt, smoke, traffic, physical appearance or other similar factors.
- (b) **Permitted Uses.**
  - (1) Commercial greenhouses.
  - (2) Food locker plants.
  - (3) General or professional offices.
  - (4) Manufacture and bottling of nonalcoholic beverages.
  - (5) Painting.
  - (6) Printing and publishing.
  - (7) Research and testing laboratories.
  - (8) Vocational training schools or centers.
  - (9) Warehousing.
  - (10) Wholesaling and distributing.
  - (11) Animal hospital, veterinary clinics.
  - (12) Automobile service stations.
- (c) **Conditional Uses.** Municipal utilities and related structures.
- (d) **Lot Size, Area and Width.**
  - (1) Lot size --Twenty thousand (20,000) square feet.
  - (2) Lot width --One hundred fifty (150) feet.
  - (3) Yard requirements.
    - a. Side --Thirty-five (35) feet.
    - b. Front --Twenty-five (25) feet.
    - c. Rear --Twenty-five (25) feet.

**SEC. 13-1-33 M-2 HEAVY INDUSTRIAL DISTRICT.**

- (a) **Purpose.** The M-2 District is intended to provide for uses by which their nature could exhibit characteristics harmful, noxious or detrimental to surrounding uses of land.
- (b) **Permitted Uses.**
  - (1) Any uses permitted in the M-1 District.
  - (2) Automotive, mechanical and/ or body repair.
  - (3) Feed mills.
  - (4) Lumber yards.

- (5) Processing of dairy products.
- (6) Manufacture of furniture.
- (7) Municipal utilities and other related structures.
- (c) **Conditional Uses.**
  - (1) Freight yards, terminals and shipment depots.
  - (2) Manufacture and processing of chemicals, fuels, metals, fertilizer.
  - (3) Slaughterhouses, meat packing, etc.
  - (4) Mining and quarrying.
  - (5) Wrecking, junk, demolition and scrap-yards, provided that a solid fence or evergreen planting screen is placed so as block a view from other property and providing it be located at least six hundred (600) feet from any neighboring residence, except that of the owner or his employee.
- (d) **Lot Size, Area and Width.**
  - (1) Lot size -Twenty thousand (20,000) square feet.
  - (2) Lot width --One hundred fifty (150) feet.
  - (3) Yard requirements.
    - a. Side --Twenty-five (25) feet.
    - b. Rear --Twenty-five (25) feet.
    - c. Front -Twenty-five (25) feet.

**SEC. 13-1-34 RECREATION DISIRICT.**

- (a) **Purpose.** The REC District is intended to provide for the orderly and attractive grouping of recreational uses, establishments and facilities.
- (b) **Permitted Uses.**
  - (1) Parks and playgrounds.
  - (2) Athletic fields.
  - (3) Golf courses and related structures.
  - (4) Railroad rights-of-way.
  - (5) Bathing beaches.
  - (6) Ski trails.
- (c) **Conditional Uses.**
  - (1) Amusement parks, including commercial skating rinks, go-cart tracks, golf driving ranges, miniature golf course or similar establishments.
  - (2) Concession stands.
  - (3) Gift and specialty shops customarily found in recreational areas.
  - (4) Institutions of philanthropic or educational nature.
  - (5) Microwave relay structures.
  - (6) Recreation camps, youth camps and private campgrounds. Camps shall also conform to Chapters H 75 and H 78 of the Wisconsin Administrative Code.
  - (7) Riding stables.
  - (8) Shooting ranges.
    - a. Shooting stands shall be no less than one thousand (1,000) feet from residential buildings, other than that of the owner, his agent or employee.
    - b. No firing shall be toward or over any navigable water or population center .
    - c. The range shall be clearly identified from all directions with conspicuous "Danger Shooting Range" signs.
    - d. There shall be a barrier, impenetrable to any missile fired on the range, which shall extend a distance above and to each side of the targets equal to one (1) foot for each twenty-five (25) yards to the most remote shooting stand, but in no case less than four ( 4) feet.
    - e. Any other conditions the Village Board considers necessary for the public safety.
    - f. Trap and skeet ranges providing the owner(s) of the trap or skeet range has under control by ownership or lease an area no less than one thousand eight hundred (1,800) feet wide and nine hundred (900) feet deep and providing further that there shall be no

residences within one thousand (1,000) feet of the external boundaries of the range, unless occupants of such residences waive this condition in writing.

- (9) Travel trailer parks provided:
  - a. The minimum size of a travel trailer park shall be five (5) acres.
  - b. The maximum number of travel trailers shall be fifteen (15) per acre.
  - c. Minimum dimension of a travel trailer site shall be thirty (30) feet wide by fifty (50) feet long.
  - d. Each travel trailer shall be so located that there shall be at least a fifteen (15) foot clearance between travel trailers.
  - e. There shall be one and one-half (1-1/2) automobile parking spaces available for each trailer site.
  - f. In addition to setback requirements of twenty-five (25) feet from the street right-of-way, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
  - g. Travel trailer parks shall conform to the requirements of Chapter H 78, Wisconsin Administrative Code, which shall apply until amended and then apply as amended.
- (d) Lot Size, Area and Width.
  - (1) Minimum lot size --One (1) acre.
  - (2) Minimum lot width --One hundred fifty (150) feet. 3 Yard requirements.
    - a. Side --Twenty-five (25) feet.
    - b. Rear --Fifty (50) feet.
    - c. Front --Twenty-five (25) feet.

#### **SEC. 13-1-35 CV CONSERVANCY DISTRICT.**

- (a) **Purpose.** The CY Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.
- (b) **Permitted Uses.**
  - (1) Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
  - (2) Forest and game management.
  - (3) Forest reserves (wilderness areas).
  - (4) Forest reserves (wildlife areas).
  - (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- (c) **Permitted Accessory Uses.**
  - (1) Non-habitable park or recreation shelters.
  - (2) Structures used in or accessory to a fish hatchery.
  - (3) Structures used to traverse lowlands or watercourses.
- (d) **Conditional Uses.**
  - (1) Structures and fill accessory to permitted principal uses.
  - (2) Parks and campgrounds and accessory structures.
  - (3) Public shooting ranges and accessory structures.
  - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
  - (5) Public utilities.
- (e) **Lot Area, Setback and Yard**
  - (1) Minimum dimensions: Lot area --Twenty thousand (20,000) square feet.
  - (2) There are no lot width requirements.

- (3) Any use involving a structure shall provide front and rear yards of at least fifty (50) feet in depth and side yards at least fifty (50) feet in width each.

**SEC. 13-1-36 R-MH MOBILE HOME DISTRICT.**

The requirements for property in the R-MH Mobile Home District shall be as provided in Article L of this Chapter .

**SEC. 13-1-37 THROUGH SEC. 13-1-49 RESERVED FOR FUTURE USE.**

ARTICLE D

Planned Unit Development (PUD) Conditional Use

**SEC. 13-1-50 PLANNED UNIT DEVELOPMENT CONDITIONAL USE - INTENT.**

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

**SEC. 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.**

This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

**SEC. 13-1-52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS .**

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

**SEC. 13-1-53 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	10 acres

- (b) **Density Requirements (1Dt Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Building Height and Area Requirements.**
  - (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
  - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (d) **Single Parcel, Lot or Tract.** The planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

#### **SEC. 13-1-54 REQUIREMENTS AS TO PUBLIC SERVICES AND FACILITIES.**

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (e) Public water and sewer facilities shall be provided.

#### **SEC. 13-1-55 SUBSEQUENT LAND DIVISION.**

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

#### **SEC. 13-1-56 PROCEDURAL REQUIREMENTS – INTENT.**

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

#### **SEC. 13-1-57 PROCEDURAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.**

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Administrator for approval of a planned unit development. Such petition shall be accompanied by a review fee of Twenty-five Dollars (\$25.00), as well as incorporate the following information:

- (1) Informational Statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
  - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
  - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
  - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
  - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (2) A General development Plan Including:
  - a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
  - b. The location of public and private roads, driveways, sidewalks and parking facilities.
  - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
  - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
  - e. The type, size and location of all structures.
  - f. General landscape treatment.
  - g. The existing and proposed location of public sanitary sewer, water supply facilities and storm water drainage facilities.
  - h. The existing and proposed location of all private utilities or other easements.
  - i. Characteristics of soils related to contemplated specific uses.
  - j. Existing topography on the site with contours at no greater than two (2) foot intervals.
  - k. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
  - l. If the development is to be staged, a staging plan.
  - m. A plan showing how the entire development can be further subdivided in the future.
- (c) **Public Hearing.** The Village Board shall hold public hearings on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

**SEC. 13-1-58 BASIS FOR APPROVAL OF THE PETITION FOR PLANNED UNIT DEVELOPMENT.**

- (a) **Requirements.** The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
  - (1) That the general requirements made and provided in Section 13-1-52 will be met;
  - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
  - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.
- (b) **Proposed Construction Schedule.** The Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:



- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community .
  - (2) The total net residential density within the planned unit development will be compatible with the Village master plan ( comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
  - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
    - a. Planned residential developments in the R-1, R-2 and R-3 Districts shall not exceed four (4) dwelling units per structure.
    - b. Planned residential developments in the R-4 District shall not exceed sixteen (16) dwelling units per structure.
  - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
  - (5) Provision has been made for adequate, continuing fire and police protection.
  - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
  - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
  - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
  - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
  - (4) The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD Considerations.** The Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
  - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
  - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
  - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:

- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
- (2) The various types of uses conform to the general requirements as herein- before set forth~ applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

**SEC. 13-1-59            DETERMINATION OF DISPOSITION OF THE PETITION.**

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.
- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
  - (1) **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
  - (2) **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.
- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall 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 of the original plan, it shall schedule an additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.

## ARTICLE E

### Conditional Uses

#### **SEC. 13-1-60 STATEMENT OF PURPOSE - CONDITIONAL USE.**

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 of 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. 13-1-61 AUTHORITY OF THE VILLAGE BOARD; REQUIREMENTS.**

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board 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 and within one-half (1/2) mile 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 Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) 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 Village Board 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. 13-1-62 INITIATION OF CONDITION 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 (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

#### **SEC. 13-1-63 APPLICATION FOR CONDITIONAL USE.**

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, 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 13-1-66 hereinafter. The Village Board 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.

**SEC. 13-1-64 HEARING ON APPLICATIONS.**

Upon receipt of the application and statement referred to in Section 13-1-63 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time.

**SEC. 13-1-65 NOTICE OF HEARING ON APPLICATION.**

(Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and 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 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. 13-1-66 STANDARDS - CONDITIONAL USES.**

No application for a conditional use shall be granted by the Village Board unless such the Board 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 Board 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 to passing upon a Conditional Use Permit, the Board 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 shoreland 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.

**SEC. 13-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.**

When a denial of a conditional use application is made, the Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.

**SEC. 13-1-68 CONDITIONS AND GUARANTEES.**

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Village Board 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 13-1-66 above. In all cases in which conditional uses are granted, the Board 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; or
  - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter .
- (b) **Site Review.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board 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) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for

development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/ or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

#### **SEC. 13-1-69 VALIDITY OF CONDITIONAL USE PERMIT.**

Where the Village Board 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 Board'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. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

#### **SEC. 13-1-70 COMPLAINTS REGARDING CONDITIONAL USES.**

The Village Board 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 Zoning Administrator 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 Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 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 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, 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 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

#### **SEC. 13-1-71 BED AND BREAKFAST ESTABLISHMENTS.**

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (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.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

#### **SEC. 13-1-72 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.**

## Article F

### Nonconforming Uses, Structures and Lots

#### **SEC. 13- 1-80 EXISTING NON CONFORMING USES AND STRUCITURES .**

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks 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) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (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. 13-1-81 ABOLISHMENT OR REPLACEMENT.**

- (a) **Termination.** 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 .
- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50% ) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

#### **SEC. 13-1-82 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. 13-1-83 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. 13-1-84 REDUCED BUILDING SETBACKS.**

- (a) A setback less than the setback required may be permitted by a variance where there are existing principal buildings within two hundred (200) feet of the proposed building site that are built to less than the required setback. In such cases, the setback shall be no less than the average of the setbacks of the nearest principal building on each site of the proposed site or, if there is no principal building within two hundred (200) feet on one (1) side, the average of the setback for the principal

building on the one ( 1) side and the setback required in each zoning district. The average is not to include any building now within ten (10) feet of the right-of-way.

- (b) Any modification of other setbacks, including water line setback, may only be permitted by the Board of Appeals.

**SEC. 13-1-85 THROUGH SEC. 13-1-89 RESERVED FOR FUTURE USE.**



ARTICLE G

Traffic Visibility, Loading, Parking and Access

**SEC. 13-1-90 TRAFFIC VISIBILITY.**

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or rail-ways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

**SEC. 13-1-91 LOADING REQUIREMENTS.**

- (a) **Loading Space Requirements.** On every lot on which a business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale	2,000 -10,000	1
warehouse, service	10,000 -20,000	2
manufacturing, and	20,000 -40,000	3
industrial establishments	40,000 -60,000	4
	Each additional 50,000	1
Hotels, offices	5,000 -10,000	1
hospitals, places of	10,000 -50,000	2
public assembly	50,000 -100,000	3
	Each additional 25,000	1
Funeral homes	2,500 -4,000	1
	4,000 -6,000	2
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.

- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
  - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
  - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
  - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
  - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

**SEC. 13-1-92      PARKING REQUIREMENTS.**

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located within the fire zone as designated on the Official Map, 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.
- (b) **Design Standard.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Eleven (11) feet for thirty degree (300) parking; and twenty (20) feet for ninety degree (900) parking. Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-four (24 ) feet No parking area of more than two (2) spaces shall be designed as to require an vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
  - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
  - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
  - (3) off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.
- (d) **Surfacing.** All off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds normally, a two [2] inch blacktop on a four [4] inch base of five [5] inches of Portland cement will meet this requirement). Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used with the approval of the Village Board.
- (e) **Landscaping.**
  - (1) Accessory Landscape Area. All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
  - (2) Location. Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator .

- (3) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic surveyor grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
  - (4) Special Residential Requirements. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
  - (5) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
  - (6) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such away as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.
  - (7) Street Setback Area. No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (f) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **Number of Stalls.** Number of parking stalls required are shown in the following table:

Use.	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Sororities, dormitories, rooming and boarding houses	1 stall for each bed
Retirement homes, orphanages, convents and monasteries area	1 stall per 2,000 feet of principal floor
Hospitals, sanitariums, institutions, and nursing homes each 3 employees	1 stall for each 3 beds plus 1 stall for rest
Medical and dental clinics	5 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 4 seats
Colleges, secondary and elementary	1 stall for each 2 employees plus 1 stall schools for each 5 students of 16 years of age or more

Restaurants, bars, clubs and lodges, entertainment	1 stall for each 3 seats and 1 space for places of each 2 employees
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 250 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages - see above. )
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and	1 space for each employee plus 1 space service stations for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

- (h) **Uses Not listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (i) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the Village Attorney shall accompany any joint use arrangement.
- (j) **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.
- (k) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25% ) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (l) **Off-Lot Parking.**
  - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
  - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are

reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.

- (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

#### **SEC. 13-1-93 DRIVEWAYS.**

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the following requirements and must be approved as to location by the Zoning Administrator:

- (a) Island between driveway openings shall be provided with a minimum of six (6) feet between all driveways.
- (b) The maximum number of driveway openings for vehicular ingress and egress permitted for lots with a width less than one hundred (100) feet shall be one (1) and for lots with a width greater than one hundred (100) feet shall be two (2).
- (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.
- (d) Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the property line and Thirty-five (35) feet at the roadway for all uses except the maximum curb opening for all residential districts shall be twenty-five (25) feet at the roadway.
- (e) Driveways shall be at least ten (10) feet wide for one- and two-family dwellings, at least eighteen (18) feet for farmsteads, and a maximum of thirty-five (35) feet at the roadway for all other uses except the maximum curb opening for all residential districts shall be twenty-five (25) feet.

#### **SEC. 13-1-94 HIGHWAY ACCESS.**

- (a) Highway access. 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. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) 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.
- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator 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. 13-1-95 STORAGE AND PARKING OF RECREATIONAL VEHICLE.**

- (a) **Definitions - Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
  - (1) **Mobile Home.** Mobile home means a structure, transportable in one (1) 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 (1) 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.

(2) **Recreational Vehicle.** Recreational vehicle means any of the following:

- a. 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.
- b. 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.
- c. 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.
- d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
- e. 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 therefrom.
- f. Converted and Chopped Vans means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- g. 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 un-mounted boat or snowmobile.

(3) **Boat.** Boat means every description of watercraft used or capable of being used as a means of transportation on water .

(4) **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.

(5) **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.

(6) **Yard.** Side, means that part of a lot not surrounded by a building and not in the front or rear yard.

(b) **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 between April 1 and December 1 in the following manner:

(1) Parking is permitted inside any enclosed structure, which structure other- wise conforms to the zoning requirements of the particular zoning district where located.

(2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.

(3) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:

- a. 1. Space is not available in the rear yard or side yard, or there is not reasonable access to either the side yard or rear yard.
2. A corner lot is always deemed to have reasonable access to the rear yard.
3. A fence is not necessarily deemed to prevent reasonable access.

b. Inside parking is not possible.

c. The unit is parked perpendicular to the front curb.

(4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.

(5) No part of the unit may extend over the public sidewalk or public right-of- way.

(6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:

- a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in anyone (1) calendar year. Cooking is not permitted at any time.

- b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - c. 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.
- (7) 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.
- (8) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

State Law Reference: Section 30.50, Wis. Stats., and HSS 177 and 178, Wis. Adm. Code.

**SEC. 13-1-96 STORAGE OF TRACTORS AND ROAD MACHINERY.**

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings the following types of vehicles: vehicles in excess of sixteen thousand five hundred (16,500) pounds in total weight, tractor trailers, semi-trailers, farm tractors in excess of six (6) feet in width unless enclosed in a building, dump trucks and road machinery .Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

**SEC. 13-1-97 THROUGH 13-1-99 RESERVED FOR FUIURB USE.**

## ARTICLE H

### Signs and Billboards

#### **SEC. 13-1-100 PURPOSE OF SIGN AND BILLBOARD REGULATIONS.**

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.

#### **SEC. 13-1-101 SIGNS AND BILLBOARDS - DEFINITIONS.**

The following definitions are used in this Article:

- (a) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (b) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (c) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (d) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (e) **Directly Illuminated Sign.** Any sign designed to have any artificial light directly through any transparent or translucent material from a source of light Originating within or on such sign.
- (f) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (g) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning Civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (h) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (i) **Ground and/or Pole Sign.** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign.")
- (g) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (k) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (l) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (m) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (n) **Portable Sign.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another .
- (o) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than five (5) feet from the face of a wall or building.
- (p) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (q) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (r) **Temporary Sign.** Any sign intended to be displayed for a short period of time including real estate political or construction site signs and banners decorative-type displays or anything similar to the aforementioned.
- (s) **Wall-Sign.** Any sign attached to erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.



- (t) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

**SEC. 13-1-102 PERMITTED SIGNS.**

- (a) **Signs in Residential Conservancy, Recreational and Agricultural Districts.** The following signs are permitted when located outside or the public right-of-way except as otherwise provided in this Article:
- (1) Customary professional and home occupation signs not exceeding fifteen (15) square feet, and "For Rent" or "For Sale" signs not exceeding five (5) square feet in area.
  - (2) One (1) on-premises announcement sign or bulletin board of an appropriate nature identifying a hospital, school, church or other similar facility or institution not exceeding twenty (20) square feet in area.
  - (3) Temporary signs of not more than twenty (20) square feet in area for the purpose of advertising an auction, bazaar, festival political or other special event. Signs shall be removed at the conclusion of the event.
  - (4) Off-premises signs provided they are directional only the outside dimensions of which do not exceed twenty (20) square feet, are located within a three (3) mile radius of the advertised business or activity and are not in conflict with Chapter HY 19 Wisconsin Administrative Code or Chapters 196 and 84.30 of the Wisconsin Statutes.
  - (5) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than three (3) square feet and may be located any distance outside of the public right-of-way.
  - (6) In all agricultural districts signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
    - a. Signs shall not conflict with state or federal sign regulations. (Note: It shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals.)
    - b. For signs larger than thirty-two (32) square feet, all conditions set forth in Subsection (b) shall be met.
    - c. Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
    - d. Signs: shall contain only one (1) message per face, and more than one (1) double-face or two (2) single-face signs larger than thirty-two (32) square feet per face shall be permitted.
    - e. Signs which are thirty-two (32) square feet in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than fifteen (15) feet from the right-of-way line.
    - f. No sign other than a farm identification sign as defined in Subsection (5) above shall contain a brand name, trade name, organization, co-op, union or bureau name.
- (b) **Signs in Commercial and Industrial Districts.** The following signs are permitted:
- (1) Identifying sign(s) for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:
    - a. Wall signs placed against the exterior walls of buildings shall not extend more than one (1) foot from the wall surface and shall not exceed three hundred (300) square feet in area.
    - b. Projecting signs fastened to, suspended from or supported by attached structures shall not exceed forty (40) square feet in area on a side.
    - c. Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed two hundred (200) square feet on a side and shall not exceed twenty-five (25) feet in height above the main road grade.
    - d. Roof signs shall not exceed ten (10) feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed two hundred (200) square feet on a side.
  - (2) Off-premises signs and billboards:

- a. Signs and billboards shall meet the requirements of HY 19, Wisconsin Administrative Code, or Chapters 196 and 84.30 of the Wisconsin Statutes. Signs and billboards shall meet all yard requirements for the district in which they are located, have a minimum separation of one thousand (1,000) feet from all other billboards which exceed three hundred (300) square feet in area and be directional.
- b. Signs and billboards which are not within the jurisdiction of the Wisconsin Administrative Code or Statutes shall meet the same size requirements as on-premises signs in Subsection (b)(l) above.

**SEC. 13-1-103 EXCEPTIONS TO SIGN REGULATIONS.**

The following signs and related items shall not be included in the application of the regulations contained in this Article:

- (a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (b) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (c) Legal notices, identification information or directional signs erected by governmental bodies.
- (d) Integral decorative or architectural features of buildings, except letters, trade-marks, moving parts or moving lights.
- (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (f) Signs erected by National, State, County or Municipal Governmental Agencies, including traffic and informational signs.

**SEC. 13-1-104 SIGN PERMITS REQUIRED.**

- (a) **Permit Required** No persons shall erect, relocate, reconstruct or maintain or cause the aforementioned within the Village of Edgar any signs larger than five (5) square feet without first having obtained and having in force and in effect a permit therefor from the Building Inspector .
- (b) **Permits.** Signs shall not be erected or altered until a permit has been issued by the Building Inspector. Applications for a sign permit shall be made in writing upon forms furnished by the Building Inspector. The applicant shall file with the application plans and specifications and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line, and by whom it shall be erected. Permits are not required for a copy change when no change in business name is involved.
- (c) **Permit Fees.** A permit fee of Five Dollars (\$5.00) shall be paid to the Village Administrator for each sign permit issued under this Code, provided, however, that a fee shall not be charged for putting an existing sign in conformance with this Code or for a copy change when no change in business name is involved.
- (d) **Exceptions.**
  - (1) **Temporary Signs.** Permits are not required for such temporary signs as real estate (which advertises sale or rental of the premises upon which it is posted), political and construction site or similar-type signs provided such signs do not exceed twenty-five (25) square feet of display surface.
  - (2) **Window Signs.** Window signs directing attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises shall be permitted without a permit.
- (e) **Prohibited Signs.**
  - (1) No sign will be permitted that resembles the size, shape, form or color of official traffic control signs, signals or devices.
  - (2) No sign shall contain more than one hundred (100) square feet in gross area.
  - (3) No sign in a conspicuous state of disrepair shall be permitted to exist. The Village Board may order removal on a twenty (20) day public notice or immediately if public danger exists.

**SEC. 13-1-105 DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.**

- (a) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when, in the judgment of the Village Board, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Village Board may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Village Board's decision to the Board of Appeals.
- (b) Alterations. Any sign which was erected before the adoption of this sign Article shall not be rebuilt or relocated without conforming to all of the requirements of this Article.
- (c) Violations. All signs constructed or maintained in violation of any of the provisions of this Article are hereby declared public nuisances Within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

**SEC. 13-1-106 VARIANCE OR EXCEPTIONS.**

Variations or exceptions to these sign regulations may be granted by the Board of Appeals and decisions by the Village Board may be appealed to the Board of Appeals.

**SEC. 13-1-107 CONSTRUCTION AND MAINTENANCE REGULATION FOR SIGNS.**

- (a) **Construction.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Village Board.
- (b) **General Requirements.**
  - (1) Awnings. Lowest part of any awning shall be seven (7) feet above the sidewalk. Signs are allowed directly on the awning or hanging on the frame but not below seven (7) feet.
  - (2) Animated Signs. Signs with any moving parts, beacon lights or moving lights shall not be permitted, except revolving signs are permitted.
  - (3) Flashing Signs. Flashing signs are prohibited. Bare reflecting-type bulbs of any kind are not allowed for a flashing or non-flashing sign Unless they are properly shaded so as not to interfere with surrounding properties.
  - (4) Roof Signs. No sign shall be located so as to project above the parapet wall unless approved by the Village Board.
  - (5) Illuminated Signs. Any illuminated signs shall not interfere with surrounding properties or traffic.
  - (6) Projection. Signs including supports shall not project beyond five (5) feet of the face of the wall to which attached.
  - (7) Blanketing. Blanketing of sign shall not be allowed.
  - (8) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean.
- (c) **Exceptions to Height and Setback Requirements.** Signs may be allowed in the setback area if they are below three (3) feet or are pole-mounted and above twelve (12) feet to the bottom of the sign. The pole diameter of pole-mounted signs shall not exceed twelve (12) inches and shall not interfere with reasonable vision clearance.
- (d) **Prohibitions.**
  - (1) No sign shall be erected so that any portion of the sign or its supports attached to or interfere with the free use of any fire escape, exit, any required stairway, door, ventilator or window.
  - (2) No sign shall be erected that will interfere with, obstruct, confuse or mislead traffic.
  - (3) At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
  - (5) No sign located within one hundred fifty (150) feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.

- (5) No permanent sign shall be located closer than seventy-five (75) feet from the normal high watermark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland-wetland.
- (e) **Search Lights.** The Village Board may permit the temporary use of a search light for advertising purposes in any district provided that the search light will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (f) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter .

**SEC. 13-1-108 SPECIFIC REQUIREMENTS.**

- (a) **Temporary Sign limitations.**
  - (1) All temporary signs such as real estate, construction site and political signs shall be removed within ten (10) days after their use has discontinued.
  - (2) Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.
- (b) **Electronic Message Unit Signs.**
  - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
  - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
  - (4) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (c) **Portable Signs.**
  - (1) Such signs shall be limited in use to thirty (30) days at a time, and not more frequently than three (3) times per year at anyone (1) location.
  - (3) The maximum size shall be twenty-five (25) square feet on each face, back- to-back.

**SEC. 13-1-109 NONCONFORMING SIGNS.**

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Edgar limits of the date of adoption of this Chapter or r located in an area annexed to the Village of Edgar hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal, nonconforming sign and is permitted, providing it meets the following requirements:
  - (1) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance;
  - (2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
  - (1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;
  - (2) The sign is relocated;
  - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
  - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

**SEC. 13-1-110 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.**

All billboards, signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required in the Building Code or other Ordinances of the Village of Edgar .

**SEC. 13-1-111      LIMITATIONS ON BILLBOARDS.**

- (a) A billboard shall only be erected in areas that are zoned commercial or industrial.
- (b) No billboard shall be allowed within the fire zone as described on the official map.
- (c) No more than one (1) billboard back-to-back shall be erected upon one (1) lot.
- (d) The maximum size of billboards shall be three hundred sixty (360) square feet.
- (e) No billboards may be erected within eight hundred (800) feet of another existing billboard measured along or across the same right-of-way.
- (f) No billboard may be erected within one hundred twenty-five (125) feet of a residential or multiple family zoning district.
- (g) The maximum height of billboards shall be thirty (30) feet. In no event shall the maximum height of any billboard exceed the height requirements for buildings in the underlying zoning district regulations. Minimum height shall be twelve (12) feet above grade.
- (h) Roof-mounted billboards (off-premise signs) shall be prohibited.

**SEC. 13-1-112      BOARD LOCATION TO PREVENT TRAFFIC HAZARD.**

No billboards shall be erected within one hundred (100) feet of the intersecting right-of-way of signalized intersections, and no billboards shall be erected within fifty (50) feet of the intersecting right-of-way of all other streets.

**SEC. 13-1-113      ABANDONED BILLBOARDS AND SIGNS.**

Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Village Board shall give the owner sixty (60) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Village Board may take any other appropriate legal action necessary to attain compliance.

**SEC. 13-1-114 THROUGH SEC. 13-1-119      RESERVED FOR FUTURE USE.**

## ARTICLE I

### Performance Standards - Industrial Developments

#### **SEC. 13-1-120 ARTICLE INTENT.**

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

#### **SEC. 13-1-121 NOISE**

No operation or activity shall transmit any noise exceeding 75 dBA from 7:00 a.m. to 10:00 p.m. and 65 dBA from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (a) Noises not directly under the control of the property owner.
- (b) Noises from temporary construction or maintenance activities during daylight hours.
- (c) Noises from emergency, safety or warning devices.

#### **SEC. 13-1-122 VIBRATION.**

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

#### **SEC. 13-1-123 EXTERNAL LIGHTING.**

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond an Industrial District's boundaries.

#### **SEC. 13-1-124 ODOR**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

#### **SEC. 13-1-125 PARTICULATE EMISSIONS.**

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

#### **SEC. 13-1-126 VISIBLE EMISSIONS.**

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

**SEC. 13-1-127 HAZARDOUS POLLUTANTS.**

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

**SEC. 13-1-128 AND SEC. 13-1-129 RESERVED FOR FUTURE USE.**

## ARTICLE J

### Satellite Earth Stations; Television or Radio Antenna Towers; Wind Energy Systems

#### SEC. 13-1-130 SATELLITE EARTH STATIONS.

- (a) **Permit Required.** No owner shall, within the Village of Edgar, build, construct, use or place any type of satellite earth stations until a permit shall have first been obtained from the Village Administrator.
- (b) **Definitions.**
- (1) For purposes of this Section, a "satellite television dish" or "earth station" is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communication system or home earth stations.
  - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner. .
- (c) **Application.** Application for a satellite earth station permit shall be made in writing to the Village Administrator. With such application, there shall be submitted a fee of Five Dollars (\$5.00) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (d) **Installation Restrictions.** Satellite earth stations installed in any zoning district within the Village shall comply with the following provisions:
- (1) **Number of Units.** Not more than one (1) satellite earth station may be allowed per individual recorded lot except additional stations may be permitted upon application for a variance in non-residential areas.
  - (2) **Location and Setbacks.**
    - a. Any satellite dish mounting post shall only be located in the rear yard of a residential lot and at least seven (7) feet from any property line. Placement of a satellite dish in a business or industrial district shall not be allowed unless a special exception is granted by the Village Board.
    - b. If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Village Board. For corner lots a side yard is only a yard that does not face a street.
    - c. If the dish cannot receive a usable satellite signal from either the rear or side yards, it may be located only on the roof of any main or accessory building on the lot. Attachment to the roof shall be subject to engineering calculations being prepared by a registered professional engineer certifying that the proposed satellite television dish installation is structurally sound.
    - d. No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.
    - e. The Village Board shall determine whether a signal constitutes a usable satellite signal based on evidence provided by the person seeking a permit to erect or construct the dish.
  - (3) **Mounting.** Satellite earth stations located in agricultural or residential districts shall be ground-mounted only. Satellite earth stations may be wall or roof mounted in business or industrial districts only. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Village may require engineering calculations.



- (4) Diameter. The diameter of the satellite television dish shall not exceed ten (10) feet for the ground-mounted dish and eight (8) feet for the roof mounted dish, except for stations used to provide community antenna television services.
- (5) Height.
  - a. A ground-mounted satellite dish may not exceed twelve (12) feet in height, as measured from the ground to the highest point of the dish.
  - b. A roof-mounted satellite dish may not exceed ten (10) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (6) Wind Pressure. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specification for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (7) Electrical Installations. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station signal to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.
- (8) Temporary Placement. No portable or trailer-mounted satellite earth stations shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding ten (10) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Village Administrator of the date when such placement shall begin and end.
- (9) Advertising. No form of advertising or identification, sign or mural is allowed on the satellite earth station other than the customary manufacturer's identification plates. The satellite dish shall not be used as a medium for advertisements, signs, murals, endorsements, etc., other than carrying the name of the manufacturer.
- (10) Interference with Broadcasting. Satellite earth station shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (11) Compliance with Federal Regulations. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Village Board as part of the application.
- (e) **Variances.** Requests for variances from the standard established by this Section may be made to the Board of Appeals pursuant to Section 13-1-193 of this Chapter.
- (f) **Enforcement.**
  - (1) It shall be unlawful to construct, use, build or locate any satellite television dish in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
  - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

**SEC. 13-1-132 SPECIAL USE PERMITS REQUIRED - WIND ENERGY SYSTEMS.**

- (a) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (b) **Separate Permit Required for each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Village Board and Plan Commission shall base their determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) **Fees.** The Village Board shall, by resolution, establish fees for the processing and issuance of conditional use permits under this Article.
- (e) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical power.

**SEC. 13-1-133 PERMIT PROCEDURE - WIND ENERGY SYSTEMS.**

- (a) **Application.** The permit application for a wind energy system shall be made to the Village Administrator on forms provided by the Village. The application shall include the following information:
  - (1) The name and address of the applicant.
  - (2) The address of the property on which the system will be located.
  - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements which system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
  - (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
  - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
  - (6) Any other information which Village officials may deem to be necessary to the proper review of the application.
  - (7) The Village Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (b) **Hearing.** Upon referral of the application, the Village Board shall schedule a public hearing thereof as soon as practical and the Village Board shall notice said hearing as deemed appropriate.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special 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 the persons affected by granting the special use permit.
- (d) **Termination.** When a special use 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.

- (e) **Changes.** 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 Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

**SEC. 13-1-134 SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.**

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served, showing the location of the generating facility and the means by which the facility will provide power to structures, If the system is intended to provide power to more than one (1) premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line,
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages,
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

**SEC. 13-1-135 THROUGH SEC. 13-1-139 RESERVED FOR FUTURE USE.**

**SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.** Note: See Ordinance 2002-2 printed at the end of this section.

- (a) **Principal Use to be Present.** An accessory use or structure, in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulation of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions - Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
  - (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage/or/an attached garage and one (1) additional accessory building may be placed on a lot. ,
  - (2) **Accessory Building Size Limits.** Garages and other detached accessory buildings shall be less than fifteen (15) feet in height.
  - (3) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
  - (4) **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty percent (30%) of the required rear yard or exceed eight hundred (800) square feet in area, whichever is less; or be located within three (3) feet of any other accessory building or seven (7) feet of any lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure-
- (c) **Use Restrictions - Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied .as a dwelling unit.
- (d) **Placement Restrictions - Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator .
- (h) **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.
- (i) **Outdoor lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
  - (a) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six ( 6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and wind- mills shall not exceed in height twice their distance from the nearest lot line.

Village of Edgar  
Ordinance 2002-2  
AN ORDINANCE AMENDING VILLAGE OF EDGAR CODE OF ORDINANCES  
TITLE 13, CHAPTER 1, LAND USE REGULATIONS

The Village Board of the Village of Edgar, Marathon County, Wisconsin, do ordain as follows;

SECTION I. SECTION AMENDED

SECTION 13-1-200 (Definitions) of the Village Code of Ordinances is amended to include the following definition:

**SEC. 13-1-200 DEFINITIONS**

Sec 13-1-200 (a) (52a) Garden Shed.

(52a) Garden Shed. A garden shed is a detached accessory building used or intended to be used for the storage of lawn mowers, garden tools, bicycles and other personal property of like nature by the occupant of the premises and shall not exceed one hundred forty four (144) square feet in area and ten (10) feet in height.

SECTION 13-1-140 (Accessory Uses or Structures) of the Village Code of Ordinances is amended to read as follows:

SEC. 13-1-140 ACCESSORY USES OR STRUCTURES.

(b) **Placement Restrictions – Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:

- (1) **Accessory Building Number Limits.** In any residential district, in addition to the home (principal building), one (1) garage (attached or detached) may be placed on a lot. In addition, one (1) garden shed may be also be placed on the lot.
- (2) **Accessory Building Size Limits.** Garages attached to the principal structure (the home) are not restricted in size or height. They must be architecturally integrated into the principal structure and may not exceed the height of the principal structure. Detached garages are restricted to twelve hundred (1200) square feet and a maximum height of fifteen (15) feet.
- (3) **Attached Accessory Building Yard Requirements.** All garages which are attached to the principal building shall comply with the yard requirements of the principal building.
- (4) **Detached Accessory Buildings.** No detached accessory building (garage or garden shed) shall occupy any portion of the required front yard. No detached garage shall occupy more than forty percent (40%) of the required rear yard or exceed twelve hundred (1200) square feet in area, whichever is less; or be located within three (3) feet of any garden shed, or within seven (7) feet of any lot line. A garden shed shall not be located within three (3) feet of any garage or closer than three (3) feet from any lot line and shall not be nearer than ten (10) feet to the principal structure (home) unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be extended forward of the front line of the principal structure.

SECTION II. SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity to unconstitutionality shall not affect the other provision or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect following passage as provided by law.



- zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge or shrubbery along such lot line.
- (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
  - (3) In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (d) **Setback: for Residential Fences.** Fences in or adjacent to a residential property are permitted on lot lines. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
  - (e) **Security Fences.** Security fences are permitted on the property liens 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.
  - (f) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, 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 height and project toward the fenced property and away from any public area.
  - (g) **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.
  - (h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
  - (i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall , comply with this Section.

#### SEC. 13-1-143 SWIMMING POOLS.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a minimum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
  - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and cool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

- (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (d) **Setbacks and Other Requirements.**
  - (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.
- (e) **Fence**
  - (1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence or wall of sufficient strength to prevent access to the pool. Such fence or wall shall, not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension.
  - (2) The pool enclosure may be omitted where the pool is installed above ground. In the case of above ground pools, the pool wall or a combination of the pool wall and a railing around and atop the pool wall shall be no less than forty-eight (48) inches above ground level, shall not have voids, holes, or openings larger than four (4) inches in one dimension, and shall be completely unobstructed on all sides.
  - (3) Access to all pools shall be restricted by a combination of fences, self- locking gates and/ or removable ladders. Gates or doors to the pool shall be kept locked and ladders shall be removed or locked into a position barring pool access at all times when the pool is not in actual use.
- (f) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.

**SEC. 13-1-144 THROUGH SEC. 13-1-149 RESERVED FOR FUTURE USE.**



## ARTICLE L

### Mobile Homes

#### SEC. 13-1-150 INTENT - WHERE MOBILE HOME DISTRICTS PERMITTED.

- (a) Residential-Mobile Home (R-MH) zoning districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited. Mobile Homes meeting the requirements of the One and Two-Family Building Dwelling Code shall not be permitted in a residential Mobile Home (R-MH) District except as a conditional use. Permits may be obtained only after approval by the Village Board.
- (c) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Edgar , except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.

#### SEC. 13-1-151 DEFINITIONS.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used Primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceed fifty percent (50%) of the assessable value of the mobile home. The term mobile home shall not include a factory-built structure meeting the following requirements:
  - (1) Intended to be set on a foundation by virtue of its construction.
  - (2) Which is normally transported only once, from the factory to the construction site.
  - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (d) **Foundation Siding** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and

the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within Sixty (60) days from the date of placement on site.

- (e) **Primary Exposure.** Open areas adjacent to the front wall ( or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling Unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained - in Section 66.058 of the Wisconsin Statutes shall also be applicable.

#### **SEC. 13-1-152 MOBILE HOME OCCUPANCY PERMITS.**

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Village Administrator within sixty ( 60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the State and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.
- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home park or removing to another park within the Village, obtain a permit from the Village Administrator. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

#### **SEC. 13-1-153 MINIMUM DIMENSIONAL REQUIREMENTS FOR R-MH DISTRICTS AND FOR INDIVIDUAL MOBILE HOME COMMUNITIES; MINIMUM NUMBER OF LOTS OR SPACES.**

- (a) Where a R-MH District is to be established for the development of a single mobile home community only, minimum area shall be five (5) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on zoned site.
- (b) These limitations shall not apply where expansion of existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

#### **SEC. 13-1-154 PERMITTED AND PERMISSABLE USES AND STRUCTURES.**

The following principal uses and structures are permitted within R-MH Districts:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

#### **SEC. 13-1-155 MOBILE HOME PARK DEVELOPER'S PERMIT.**

- (a) No person shall construct, alter, modify or extend any mobile home park or mobile home park building or facility within the limits of the Village without first securing a mobile home park developer's

- permit from the Village. Such permits shall be issued by the Village Administrator upon approval by the governing body .
- (b) Applications for mobile home park developer's permits shall be filed with the Village Administrator with sufficient copies for the Village Administrator to forward one (1) each to the Marathon County Health Department, Building Inspector, Fire Chief and Chief of Police, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and Village and report their findings in writing to the governing body within sixty ( 60) days. Such reports shall be considered by the governing body before any permit is issued hereunder . Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
  - (c) Applications for mobile home park developer's permit shall be accompanied by a fee of One Hundred Dollars (\$100.00) to cover the cost of investigation and processing plus regular building permit fees for all buildings or structures to be erected within the proposed park.
  - (d) Applications shall be made on forms furnished by the Village Administrator and shall include the following information:
    - (1) Name and address of applicant.
    - (2) Location and legal description of the proposed park, addition, modification
    - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
    - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
      - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
      - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
      - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
      - d. Landscape plan showing all plantings.
      - e. Plans and specifications of all park buildings and structures.
    - (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
    - (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator .
  - (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Administrator and checked by the proper municipal officials for compliance before the license is issued.

**SEC. 13-1-156 STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, ADDITIONS OR EXTENSIONS.**

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- (a) Chapter HSS 177, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or Village.
- (b) The maximum number of mobile home spaces shall be ten (10) per acre and individual spaces shall not be less than four thousand (4,000) square feet in area and arranged to afford ample area for a variety of units, a common width of fifty (50) feet, a setback of forty (40) feet from all public rights-of-way and ten (10) feet from any park drive or common area, including common parking

areas, ten (10) feet from all park boundary lines, twenty (20) feet from any other unit, or ten (10) feet from any accessory building. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. All drives, parking areas and walkways shall be hard-surfaced; there shall be a minimum yard setback of thirty (30) feet at all lot lines of the mobile home park; no mobile home site shall be rented for a period of less than thirty (30) days; there shall be two (2) surfaced automobile parking spaces for each mobile home; and unless adequately screened by existing vegetative cover it shall be screened by: a temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting, such as white or Norway pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

- (c) No mobile home park shall be laid out, constructed or operated without Village water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (d) Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute at a minimum pressure of twenty (20) psi and capable of furnishing a minimum of one hundred fifty (150) gallons per unit per day. Fire hydrants shall be installed within five hundred (500) feet of every mobile home stand and park building.
- (e) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply With all provisions of the State Code and Village Ordinances relating to plumbing and Sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.
- (f) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Fire Chief. Open burning of waste or refuse is prohibited.
- (g) All television Cable systems, electrical and telephone distribution lines and oil or gas plumbing serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (h) Each space shall be provided with a weatherproof electrical over current protection device, disconnect means and branch service of not less than sixty (60) amperes for two hundred twenty (220) volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the four (4) pole four (4) wire grounding type and have a four (4) prong attachment for 110-220 volts.
- (i) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
- (j) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- (k) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (l) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner .
- (m) All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
  - (1) All parts of the park street systems: 0.6 foot-candles, with a minimum of 0.1 foot-candles.

- (2) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated, with a minimum of 0.3 foot-candles.
- (n) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the street superintendent, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.
- (o) All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Walks in locations where pedestrian traffic is concentrated shall be a minimum of three and one-half (3-1/2) feet wide. Grade and surfacing of walks shall be approved by the Superintendent of Streets as safe and comparable to sidewalks in other areas of the municipality subject to similar usage.
- (p) All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance With this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than fifteen (15) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (q) In all mobile home parks, there shall be one (1) or more recreation areas easily accessible to all park residents. No single recreation area shall contain less than two thousand five hundred (2,500) square feet unless each mobile home site is provided with a contiguous common recreational area not less than twenty (20) feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.
- (r) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Village Board may approve the following uses when designed and limited to exclusive use of park residents:
  - (1) Laundromats
  - (2) Club houses and facilities for private, social or recreation clubs.
  - (3) Swimming pools.
- (s) No signs shall be erected in mobile home parks except signs pertaining to the lease, hire or sale of individual mobile homes not more than two (2) square feet in area and one (1) mobile home park identification sign not more than fifty (50) square feet in area at each park entrance.
- (t) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

**SEC. 13-1-157 MOBILE HOME PARK OPERATOR'S LICENSE.**

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the Village without a valid, unexpired mobile home park license issued by the Village Administrator and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home park licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.

- (c) The fee for a mobile home park license shall be Fifty Dollars (\$50.00) the Statute allows a minimum of Twenty-five Dollars (\$25.00) and a maximum of One Hundred Dollars (\$100.00) for each fifty (50) mobile home spaces or fraction thereof. Licenses may be transferred during a license year for a fee of Ten Dollars (\$10.00).
- (d) licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Section 66.058(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
  - (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
  - (2) Conviction of any offense under the laws of the State or Ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
  - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
  - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
  - (1) All standards and requirements set forth in Section 13-1-156 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
  - (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under Section 13-1-156(r).
  - (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities., including, roads, have been constructed or installed the park as required by this Chapter and are in required operating condition at the time of said application. In addition, the Chief of Police, Building Inspector, Marathon County Health Department and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.
  - (4) Location and operation of the park shall comply with all zoning and land use Ordinances of the State and Village.
- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in Section 13-1-156(r) shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this Chapter.

- (g) Each applicant for an original or renewal license shall file with the Village Administrator a bond in the sum of One Thousand Dollars (\$1,000.00) for each fifty (50) mobile home spaces or fraction thereof guaranteeing the collection by the licensee of the monthly parking permit fees as provided in Title 7 of this Code of Ordinances and the compliance of licensee and the park management with the provisions of this Chapter. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereof by any person who may be injured or damaged by reason of the licensee violating any provision of this Chapter .

**SEC. 13-1-158 OPERATION OF MOBILE HOME PARKS; RESPONSIBILITIES OF PARK MANAGEMENT.**

- (a) For every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Village and State and their agents or officers and shall have the following duties:
- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
    - a. Names and addresses of all owners and occupants of each mobile home.
    - b. Number of children of school age.
    - c. State of legal residence.
    - d. Dates of entrance and departure of each mobile home.
    - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
    - f. Place of employment of each occupant, if any.
  - (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
  - (3) The operator shall cooperate with local health officers in all cases of persons or animals infected or suspected of being infected with any reportable communicable disease under Sec. 145.03(2), Wis. Stats.
  - (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tie downs.
  - (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
  - (6) Maintain the park free from growth of noxious weeds.
  - (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
  - (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent proof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
  - (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
  - (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-160(b) of this Chapter.

**SEC. 13-1-159 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.**

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter .
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purpose or in connection with any mobile home unit except as specifically authorized by this Chapter.

**SEC. 13-1-160      ADDITIONAL REGULATIONS ON MOBILE HOMES AND MOBILE HOME PARKS.**

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector or Village Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) Authorized representatives of the Village Board are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the Village.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws ordinances and regulations of the State and municipalities and their authorized agents.
- (e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Village Administrator. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings,



antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.

**SEC. 13-1-161 COMPLIANCE WITH PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.**

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the Village 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 electric work.

**SEC. 13-1-162 LIMITATIONS ON SIGNS.**

In connection with Mobile Home Communities, no sign intended to be read from any public way adjoining the district shall be permitted except:

- (a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
- (b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy," may be erected at each principal entrance.
- (c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
- (d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

**SEC. 13-1-163 COMMON RECREATIONAL FACILITIES.**

- (a) No less than ten percent (10%) of the total area of any mobile home community established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
- (b) To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
- (c) Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

**SEC 13-1-164 STANDARDS FOR GENERAL SITE PLANNING FOR MOBILE HOME COMMUNITIES.**

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to

the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

- (c) **Protection of Visibility - Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.
- (d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
  - (1) Along Public Streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used on the way to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
  - (2) At Edges of R-MH Districts (Other Than at Streets or Alleys). Where R-MH communities are so located that one (1) or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.
- (e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities.** Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (g) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
  - (1) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
  - (2) Vehicular Access to Streets. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less.

Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

- (3) Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles
- a. Walkways shall form a logical safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
  - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic. If an internal walkway system is provided, away from streets bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

**SEC. 13-1-165 THROUGH SEC. 13-1-169      RESERVED FOR FUTURE USE.**

**SEC. 13-1-170 GENERAL ADMINISTRATIVE SYSTEM.**

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

**SEC. 13-1-171 ZONING ADMINISTRATOR.**

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- (c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (e) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
- (f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (g) Request assistance and cooperation from the Police Department, Village Administrator, Building Inspector and Village Attorney as deemed necessary.

**SEC. 13-1-172 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.**

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland Zoning map and to amend the text of this Chapter.
- (b) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article O of this Chapter for detail provisions.

**SEC. 13-1-173 ZONING PERMIT.**

- (a) Zoning Permit Required. No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- (b) Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
  - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and 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 land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning

Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.

- (4) Additional information as may be required by the Zoning Administrator or Village Board.
- (c) Action.
- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
  - (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
  - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

#### **SEC. 13-1-174 CERTIFICATE OF COMPLIANCE REQUIRED.**

- (a) **Certificate Required.** No vacant land hereafter developed; no building hereafter erected, relocated, moved, reconstructed or structurally altered; and no floodlands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premises or use is in conformity with the provisions of this Chapter.
- (b) **Application for Certificate of Compliance.** Application shall be made in the same manner as for a zoning permit pursuant to Section 13-1-173 and coincidental with application for Zoning and/or building permit. Application for a certificate of compliance in the floodland districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the floodland regulations set forth in this Chapter; before certificate shall issue, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.
- (c) **Existing Uses.** 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 of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
- (d) **Nonconforming Uses.**
  - (1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
  - (2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

#### **SEC. 13-1-175 SITE PLAN APPROVAL.**

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Village Board in accordance with the requirements of this Section.
- (b) **Application.** The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Village Board within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert

consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Village Board shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.

- (d) **Requirements.** In acting on any site plan, the Village Board 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 Village Board 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 Village Board 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 Village Board shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

**SEC. 13-1-176 VIOLATIONS AND PENALTIES.**

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or who resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

**SEC. 13-1-177 ZONING CODE FEES.**

The following fees shall be applicable in this Chapter:

13-1-63 Conditional Use Applications	\$50.00
13-1-175 Site Plan Applications	50.00
13-1-182 Zoning District Changes/ Zoning Amendment Applications	50.00
13-1-190 Appeals to the Zoning Board of Appeals	50.00
13-1-193 Variance Applications	50.00

**SEC. 13-1-178 THROUGH SEC. 13-1-179 RESERVED FOR FUTURE USE.**

**SEC. 13-1-180 AUTHORITY.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

**SEC 13-1-181 INITIATION OF CHANGES OR AMENDMENTS.**

The Village Board, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying Zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

**SEC. 13-1-182 PROCEDURE FOR CHANGES OR AMENDMENTS.**

- (a) **Application.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
  - (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 three hundred (300) feet of the area proposed to be rezoned.
  - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
- (3) Together with additional information as may be required by the Village Board. -
- (b) **Hearings.**
  - (1) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.
- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

**SEC. 13-1-183 PROTEST.**

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) 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. .
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

**SEC. 13-1-184 THROUGH SEC. 13-1-189 RESERVED FOR FUTURE USE.**

## ARTICLE O

### Appeals

#### **SEC. 13-1-190 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 by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appeared from, unless the officer from whom the appeal is taken certified to the Board of Appeals 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) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of ordinances, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
  - (2) **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.
  - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
  - (4) **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 Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - (5) **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 Village Board has made a review and recommendation.
  - (6) **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 Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions 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.
  - (7) **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. 13-1-191 HEARING ON APPEALS.**

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

#### **SEC. 13-1-192 DECISIONS OF BOARD OF APPEALS.**



- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

**SEC. 13-1-193 VARIATIONS.**

- (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 Village Board may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code 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.
  - (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 Zoning Administrator. 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) A site plan showing an accurate depiction of the property .
  - (5) Additional information required by the Village engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
  - (6) Fee receipt in the amount of Twenty-five Dollars (\$25.00).
- (c) **Public Hearing of Application.** The Village Board 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 (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. 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.
- (d) **Action of the Board.** 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 consideration. 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 Code 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.
- (e) **Board of Appeals Action.** Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.
- (t) **Conditions.** The Village Board or the Board of Appeals on appeal 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.

**SEC. 13-1-194 REVIEW BY COURT OF RECORD.**

Any person or persons aggrieved by any decision of the Board of Appeals may present to a 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 offices of the Board of Appeals.

**SEC. 13-1-195 THROUGH SEC. 13-1-199 RESERVED FOR FUTURE USE.**

**TITLE 14**

**Subdivision Regulations**

Chapter 1      Subdivision Regulations

**CHAPTER 1**

Subdivision Regulations

14-1-1	Introduction and purpose
14-1-2	Definitions
14-1-3	General Provisions
14-1-4	Procedure for Submitting Subdivisions
14-1-5	Technical Requirements for Preliminary Plats
14-1-6	Re-plat
14-1-7	Minor Subdivisions
14-1-8	Design Standards --Streets
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14-1-13	Non-Residential Subdivisions
14-1-14	Requirements and Design Standards for Public Improvements
14-1-15	Easements
14-1-16	Public Sites and Open Spaces
14-1-17	Variations and Exceptions
14-1-18	Enforcement, Penalties and Remedies

**SEC. 14-1-1      INTRODUCTION AND PURPOSE.**

- (a)      **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Edgar 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)      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 the 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. 14-1-2 DEFINITIONS

- (a) The following definitions shall be applicable in this Chapter.
- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
  - (2) **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.
  - (3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
  - (4) **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.
  - (5) **Commission.** The Plan Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.
  - (6) **Comprehensive Development Plan.** A comprehensive plan prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
  - (7) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
  - (8) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.
  - (9) **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. ,
  - (10) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
  - (11) **Final Plat.** The final map, drawing or chart on which the sub divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.
  - (12) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
  - (13) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main roadway, park, parkway, public access., sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
  - (14) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
  - (15) **Lot.** A parcel of land having frontage on a public street or other officially approve means of access, 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 and any applicable zoning ordinance.
  - (16) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
  - (17) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
  - (18) **Lot, Reversed Comer.** A comer 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.
  - (19) **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 comer lot. On a "through lot, " both street lines shall be

- deemed front lot lines.
- (19) **Lot lines.** The peripheral boundaries of a lot as defined herein.
  - (20) **Lot Width.** The width of a parcel of land measured along the front building line.
  - (22) **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 parkways, as well as arterial streets.
  - (23) **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.
  - (24) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties.
  - (25) **Minor Subdivision.** The division of land by the owner or sub divider resulting in the creation of not more than four (4) parcels or building sites.
  - (26) **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.
  - (27) **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.
  - (28) **Plat.** The map, drawing or chart on which the sub divider's plat of sub-division is presented to the Village for approval.
  - (29) **Preliminary Plat.** The pre~ plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Village Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
  - (30) **Protective Covenants.** Contracts entered into between private parties which constitute a restriction on the use of all private property within a sub-division for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
  - (31) **Re-plat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or Outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or Outlot is not a re-plat.
  - (32) **Shore lands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation navigable streams or to the landward side of the floodplain, whichever is greater.
  - (33) **Sub divider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or re-plat.
  - (34) **Subdivision.** The division of a lot, Outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
  - (35) **Wetlands.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.
  - (36) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

**SEC. 14-1-3 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 re-plat as defined herein; no such subdivision, land division or re-plat 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 Ch. 236 and Sec. 80.08, Wis. Stats.
  - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H 85 not served by public sewer .
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
  - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
  - (6) All applicable local and county regulations, including zoning, sanitary, building and Official mapping ordinances.
- (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. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
  - (1) Transfers of interests in land by will or pursuant to court order;
  - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
  - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in . Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Permits.** No building permit shall be issued by the Village authorizing the building on or improvement 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. 14-1-4 PROCEDURE FOR SUBMITTING SUBDIVISIONS.**

- (a) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the sub-divider is encouraged to consult with the Village Board and/or its consulting staff for advice regarding general subdivision requirements. The sub-divider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the sub-divider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the sub-divider in planning his development. In so doing, both the sub-divider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The sub-divider will gain a better understanding of the subsequent required procedures.
- (b) **Preliminary Plat Review within the Village.**
  - (1) **Submission.** Before submitting a Final Plat for approval, the sub-divider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the sub-divider shall file an adequate number of copies of the Plat and the application as required by this Section with the Village Administrator at least ten (10) days prior to the meeting of the Village Board at which action is desired. The Village Administrator shall submit a copy of the preliminary plat to the Village Engineer for

- review and written report of his recommendations and reactions to the proposed plat.
- (2) Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Administrator five (5) complete sets of preliminary plans and specifications for the construction of any public improvements required by this Chapter.
  - (3) Property Owners Association. The Village Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the sub-divider 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 preliminary 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.
  - (5) Supplementary Data to be Filed with Preliminary Plat. The following shall also be filed with the preliminary plat:
    - a. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
    - b. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
    - c. Where the sub-divider owns property adjacent to that which is being proposed for the subdivision, the Village Board may require that the sub-divider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed sub-division and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions. .
  - (6) Referral to Other Agencies. The Village Administrator shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of local Affairs and Development, additional copies to the Director of the Planning Function for re-transmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Village Board. The County Planning Agency, the Wisconsin Department of local Affairs and Development, the Wisconsin Department of Transportation and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
  - (7) Drafting & Standards. The sub-divider shall submit to the Village Administrator and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land, easements which the sub-divider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.
- (c) **Preliminary Plat Approval Within the Village.**
- (1) The Village Board shall, within forty (40) days of the date the preliminary plat was filed with the Village Administrator, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement by the sub-divider. Failure of the Village Board to act within forty (40) days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Administrator shall communicate to the sub-divider the action of the Village Board. If the plat or map is approved, the Village

- Administrator shall endorse it for the Village Board.
- (2) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Village Board at the time of its submission.
  - (3) Should the sub-divider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the hearing and fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be re-filed.
- (d) **Final Plat Review.**
- (1) The sub-divider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file copies of the Plat and the application with the Village Administrator at least ten (10) days prior to the meeting of the Village Board at which action is desired. The owner or sub-divider shall file six (6) copies of the final plat not later than twelve (12) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the sub-divider and for good cause granted by the Village. The owner or sub-divider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.
  - (2) The Village Administrator shall, within two (2) days after filing transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for re-transmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
  - (3) 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 236.12(2).
  - (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Administrator six (6) copies of the final plans and specifications of public improvements required by this Chapter.
  - (5) The Village Administrator shall refer two (2) copies of the final plat to the Village Board, one (1) copy to the Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the attorney for his examination and report. The Village Administrator shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the Village Engineer shall be made within thirty (30) days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Village Board. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Village Board.
  - (6) The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components



which may affect it.

- (e) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the sub-divider proposes to record at the time.
- (f) **Final Plat Approval.**
  - (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the sub-divider and all other approving and objecting agencies of any objections. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
  - (2) If the Final Plat is not submitted within twelve (12) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
  - (3) The Village Board shall, within sixty (60) days of the date of filing the original final Plat with the Village Administrator, approve or reject such Plat unless the time is extended by agreement with the sub-divider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the sub-divider. The Village Board may not inscribe its approval on the Final Plat unless the Village Administrator certifies on the fact of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
  - (4) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
  - (5) After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Administrator shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the sub-divider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within thirty (30) days from the date of last approval.
  - (6) The sub-divider shall file ten (10) copies of the Final Plat with the Village Administrator for distribution to the approving agencies and other affected agencies for their files.
- (g) **Engineering Fee.** The sub-divider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map.
- (h) **Administrative Fee.** The sub-divider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

#### SEC. 14-1-5 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

- (a) **General.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
  - (1) Title under which the proposed subdivision is to be recorded.
  - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
  - (3) Date, Scale and North Point.
  - (4) Names and Addresses of the owner, sub-divider and land surveyor preparing the plat.
  - (5) Entire Area contiguous to the proposed plat owned or controlled by the sub-divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and under hardship would result from strict application thereof.
- (b) **Plat Data.** All preliminary plats shall show the following:
  - (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage

- encompassed thereby.
- (2) Locations of all Existing Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
  - (3) Location Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting un-platted lands.
  - (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
  - (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
  - (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (8) Existing Zoning on and adjacent to the proposed subdivision.
  - (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Seal Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Board, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
  - (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
  - (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
  - (12) Flood-land and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
  - (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U .S. Department of Agriculture, Soil Conservation Service.
  - (14) Location and Results of Soil Boring Tests within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
  - (15) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
  - (16) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
  - (17) Approximate dimensions of All Lots together with proposed lot and block numbers.
  - (18) Location and Approximate dimensions of any sites to be reserved or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic

- uses not requiring plotting.
- (19) Approximate Radii of all Curves.
  - (20) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
  - (21) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
  - (22) Where the Village Board finds that It requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the sub-divider.
- (c) **Submission.** The sub-divider may consult with the Village Board regarding the requirements for minor sub-divisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the Village.
  - (d) **Proposed Layout.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
  - (e) **Certified Survey.** The following procedures shall be followed with certified surveys:
    - (1) Pursuant to Section 14-1- 7, the sub-divider shall cause a certified survey map to be prepared in accordance with Section 14-1-9 of this Chapter and submit ten (10) copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Village Administrator. The map shall be reviewed by the Village Board for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Village Board shall approve, approve conditionally or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the sub-divider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the sub-divider .
    - (2) The sub-divider shall record the map with the applicable county register of deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate re-approval of the map by the Village Board.
  - (f) **Requirements.** To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet m width.

#### **SEC. 14-1-6 REPLAT.**

- (a) When it is proposed to re-plat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the sub-divider or person wishing to re-plat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The sub-divider, or person wishing to re-plat, shall then proceed as specified in Subsections (a) through (f) of Section 14-1-4.
- (b) The Village Administrator shall schedule a public hearing before the Village Board when a Preliminary Plat of a re-plat of lands within the Village is filed, and shall cause notices of the proposed re-plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed re-plat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed re-plat.

#### **SEC. 14-1- 7 MINOR SUBDIVISIONS.**

When it is proposed to divide land into two (2) parcels or building sites, anyone (1) of which is less than five (5) acres, or when it IS proposed to divide a block, lot or out-lot into not more than four (4) parcels or building sites within a recorded sub- division plat without changing the exterior boundaries of the block, lot or out-lot, the sub-divider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats.

**SEC. 14-1-8 DESIGN STANDARDS - STREETS.**

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The sub divider shall dedicate land and improve streets as provided in this Chapter. 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. Streets shall conform to the official map of the Village.
- (c) **Sufficient Frontage.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (d) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to the Village's Comprehensive Development Plan and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (e) **Areas Not Covered by Official Map.** In areas not covered by the Comprehensive 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.
- (f) **Street specifications.** Streets shall be classified as indicated below.
  - (1) Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
  - (2) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas 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.
  - (3) Minor Streets. Minor streets 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.
  - (4) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided 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 subdivision or land division or for the advantageous development of the adjacent tracts.
  - (5) Reserve Strips. 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.
  - (6) Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in non-multiple family residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- (g) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the Village of Edgar must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
- (h) **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 Village Board 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. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

- (i) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (k) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, non-access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reverse frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (n) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.
- (o) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (p) **Street Grades.**
  - (1) Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:
    - Arterial streets: six percent (6%).
    - Collector streets: eight percent (8% ).
    - Minor streets, alleys and frontage streets: ten percent (10% ).
    - Pedestrian ways: twelve percent (12% ) unless steps of acceptable design are provided.
    - The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1 %).
  - (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets and one-half (1/2) this minimum for all other streets.
- (q) **Radii of Curvature.** When a continuous street centerline deflects at anyone (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
  - Arterial streets and highways: five hundred (500) feet. Collector streets: three hundred (300) feet.
  - Minor streets: one hundred (100) feet.
- (r) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to thirty (30) times the algebraic difference in grade for major thoroughfares and twenty (20) times this algebraic difference for all other streets.
- (s) **Half Streets.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the sub-divider.
- (t) **Intersections.**
  - (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Village Board considers it necessary.
  - (2) Provisions of the Zoning Code with respect to Traffic Visibility at street intersections shall

also apply here.

- (3) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (4) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

(u) **Alleys.**

- (1) Alleys shall be provide in all commercial and industrial districts, except that the village board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alleys shall connect with a major thoroughfare. Alleys in residential areas other than those zoned for multiple use shall not be permitted. The width of alleys shall be no less than twenty-four (24) feet.
- (2) Dead-end alleys are prohibited.

(v) **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 Village Board.

(w) **Street Design Standards.**

- (1) Standards. The minimum right-of-way and roadway, width of all proposed streets and alleys shall be as specified in "Minimum Roadway Design Standards," standards adopted by the Village Board and available from the Village Administrator .
- (2) Cul-de-sacs. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty (40) feet.
- (3) Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty (40) feet.

(x) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (1) Subdivision Lots. When lots within the proposed subdivision 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 part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- (2) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) Streets Parallel to a limited Access Highway. 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 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.
- (4) Minor Streets. 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. 14-1-9 DESIGN STANDARDS – BLOCK DESIGN.**

- (a) **Length; Arrangement.** 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 two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than five hundred (500) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.

- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than twelve (12) feet wide, may be required by the Village Board 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.
- (c) **Trees.** The Village Board may require that certain species of trees be planted on both sides of all streets. Street trees when planted shall not be less than sixty (60) feet apart with a minimum of one (1) per lot. They should preferably be placed six (6) to twenty (20) feet inside the property line rather than in the boulevard. The minimum size and type to be planted shall conform to the provisions of applicable ordinances.

#### **SEC. 14-1-10 DESIGN STANDARDS - LOTS.**

- (a) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Lot dimensions and setbacks shall conform to the requirements of the Zoning Code for the appropriate district in which the property is located.
- (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) Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width to permit building setback from both streets, as required by the Zoning Code.
- (f) Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the Village Board.
- (g) Butt lots will be permitted by the Village Board only in exceptional cases. Permitted butt lots shall be platted at least five (5) feet wide than the average width of interior lots in the block.
- (h) Side lot lines shall be substantially at right angles to or radial to abutting street lines.
- (i) In case a tract is divided into parcels of more than one and one-half (1-1/2) acres in areas, such parcels shall be so arranged to permit re-dividing into parcels in accordance with this Chapter and with the Zoning Code.
- (j) 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.
- (k) In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (l) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (m) In the case where a proposed plat is adjacent to a limited access highway, other major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

#### **SEC. 14-1-11 DRAINAGE SYSTEM.**

The drainage system for a subdivision shall be designed and constructed by the Village and shall provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is apart.

#### **SEC. 14-1-12 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 sub-divider shall pay for the total cost of improvements he is required to install to serve his 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 sub-divider 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 the 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 sub-dividers of adjoining land and the sub-divider may contract with adjacent property owners and/or sub-dividers 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, the sub-divider 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 sub-divider unless otherwise determined and agreed upon the Village Board.

#### **SEC. 14-1-13 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 make 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 sub-division 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 by the Comprehensive Plan, Official Map 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 applicant 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 strips 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. 14-1-14 REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS.**

- (a) **General Requirements.** The following required improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board and filed with the Village Administrator. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.
- (b) **Guarantee for Installation of Required Improvements.**
  - (1) **Payment for Installation of Improvements.** The required improvements to be furnished and installed by the sub-divider, which are listed and described in this Chapter, are to be furnished and installed at the sole expense of the sub-divider; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the sub-divider and the remaining portion of the cost by the Village. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the sub-divider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
  - (2) **Required agreement providing for proper installation of Improvements.**
    - a. Prior to installation of any required improvements and prior to approval of the final plat, the sub-divider shall enter into a written contract with the Village requiring the sub-divider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Village Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the Village in the vicinity.
    - b. The agreement shall require the sub-divider to make an escrow deposit or in lieu thereof to furnish a performance bond, the amount of the deposit and the penal amount of the bond to be equal to one and one quarter (1-1/4) times the Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection
    - c. On request of the sub-divider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat

only. If the required improvements are not complete within the specified period, all amounts held under performance bond 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 or sub-divider. The Village Board, at its option, may extend the bond period for an additional period not to exceed two (2) years.

- d. The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Engineer after consultation with the sub-divider.
- e. The sub-divider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.

(c) **Procedure.**

- (1) Construction Plans and Specifications. Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the city shall be prepared at the sub-divider's expense by professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become apart of the contract required. Simultaneously with the filing of the preliminary plat with the Village Administrator or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements: .
  - a. Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - b. Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - c. Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - d. Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - e. Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
  - f. Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
  - g. Additional special plans or information as required by Village officials.
- (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 Code of Ordinances and other pertinent Village design standards recommended by the Village Engineer and approved by the Village Board. 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 the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (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 this Chapter.
  - 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 Village Board, unless good cause can be shown for the 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 inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (4) "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the sub-divider 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 surety bond assuring their completion.
- (d) **Street, Alley and Sidewalk Improvements.** The developer shall construct streets and sidewalks as outlines on the approved plans based on the requirements of this Code of Ordinances:
- (1) Grading. With the submittal of the final plat, the sub-divider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approved of the Village Board after receipt of the Village Engineer's recommendations. After approval of the street grades, the sub-divider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots. In cases where an existing street right- of-way is made apart of the plat or abuts the plat, the sub-divider shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to sub-grade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the sub-divider, prior to the installation of such facilities; earth fill piles or mounds Subdivision Regulations of dirt or construction materials shall not be stored on such easement areas.
- (2) Street and Sidewalk Construction.
- a. After sanitary sewer, storm sewer and water utilities have been installed, the sub-divider shall construct and dedicate, as part of the subdivision, streets including those adjacent to platted lots in existing street rights-of-way abutting the plat. The sub-divider shall surface roadways with base course materials suitable for constructing a paved surface at a future time to the widths prescribed by the Village Board on recommendation of the Village Engineer. Construction of the base course shall be to Village standard specifications for street improvements.
- b. Sidewalk construction will be at the discretion of the Village Board subsequent to completion of construction on ninety percent (90%) of the lots in a subdivision and will be constructed at the same time as curb and gutter.
- c. Curb and gutter will be constructed subsequent to completion of construction on ninety percent (90%) of the lots in a subdivision.
- d. Special assessments will be levied against the current property owner of record for the cost of curb and gutter and sidewalk Improvements at the time of construction.
- (e) **Sanitary Sewerage System Design Standards.** There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board and/or sewerage district. The sub-divider shall install adequate sanitary sewer facilities and connect them to sewer mains subject to specifications and inspection of the Village Engineer. The sub-divider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision In question as well as providing all sanitary sewer work within the subdivision. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than

required to serve the area shall be borne by the Village, as agreed upon between the land owner and the Village Board prior to approval of the preliminary plat or certified survey map, pursuant to this Chapter. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village.

- (f) **Water Supply System Design Standards.** There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The sub-divider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the sub-divider shall make provision for adequate private water systems as specified in applicable ordinances. The Village may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village.
- (g) **Storm Water Drainage Facilities.** The Village will provide storm water drainage facilities to include catch basins, inlets and storm sewers as may be required.
- (h) **Other Utilities.** The sub-dividers shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due Subdivision Regulations 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 approved by the Village Board and such map shall be filed with the Village Administrator.
- (i) **Street Lamps.** Street lamps will be installed by the Village at those sites deemed appropriate by the Village Board at such time as construction of home improvements in the subdivision warrant the installation.
- (j) **Street Signs.** The Village will install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the Village Board.
- (k) **Material Standards.** All Improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.
- (l) **Improvements Complete Prior to Approval of Final Plat.** Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

#### **SEC. 14-1-15 EASEMENTS.**

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate agencies of the Village, shall require utility easements for poles, wire, 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 flow. In all cases, such water course 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 Village Board 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. 14-1-16 PUBLIC SITES AND OPEN SPACES.

- (a) **Purpose.** The requirements of this Section 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, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage ways and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan shall be made apart 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 woodland, prairie and wetland plant and animal communities.
- (c) **Dedication of Lands for Streets and Public Ways.** Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way or other public way which has been designated in the comprehensive plan, comprehensive plan component or on the official map of the Village, said public way shall be made apart of the plat and dedicated or reserved by the sub-divider in the locations and dimensions indicated on said plan or map and as set forth in this Chapter.
- (d) **Dedication of Lands for Playgrounds, Parks, Public Lands.** The sub-divider shall designate on every new preliminary plat an area of land suitable for playground, park or school purposes and shall dedicate said lands to the public at the rate of one (1) acre for each twenty-five (25) proposed dwelling units; or the Village Board may waive the requirement for dedication of land, except when said dedication involves lands designated in the comprehensive plan, comprehensive plan component or on the official map of the Village. In lieu of dedication, the Village shall levy a public site fee against the sub-divider at the time of application for final plat approval at the rate and according to the procedures established in Subsection (e).
- (e) **Fee in lieu of Dedication.**
- (1) Where, in the discretion of the Village, 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 Village officials determine that a cash contribution would better serve the public interest, the Village Board may require that the sub-divider pay a fee in lieu of making the required land dedication.
  - (2) Where a fee in lieu of land system is used, the sub-divider shall pay to the Village a fee equivalent to the fair market value of one (1) acre for each twenty-five (25) proposed dwelling units. The fair market of such a residential lot shall be determined by the Village Assessor.
  - (3) If the amount of land required to be dedicated, other than for streets and drainage-ways as indicated on the master plan, comprehensive plan component or official map of the Village totals less than the ratio of one (1) acre for each twenty-five (25) proposed dwelling units, the sub-divider shall pay to the Village a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be

dedicated, other than the streets and drainage-ways, as indicated on said plans or maps and the rate of dedication established herein.

- (4) The Village Board may require that the sub-divider 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 sub-divider. The fair market value shall be determined by the Village Assessor.

(f) **Development of Area.**

- (1) When park land is dedicated, the Village will develop the area as deemed necessary and appropriate to meet those goals set forth in the Village Outdoor Recreation Plan.
- (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 (1) of the subdivide parcels, in which case he shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village.

**SEC. 14-1-17 VARIATIONS AND EXCEPTIONS.**

- (a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the sub-divider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Village Board in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.
- (b) The Village Board shall not grant 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) 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 Comprehensive Plan or Zoning Code of the Village. A majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (d) The Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the sub-divider execute a surety bond to insure the placing of such monuments within the time required.

**SEC. 14-1-18 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 re-plat 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 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) 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.
  - (5) Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the sub-divider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

# TITLE 15

## Building Code

Chapter 1	Building Code
Chapter 2	Construction Site Erosion Control
Chapter 3	Grievances Regarding Access to Public Building by Handicapped Persons
Chapter 4	Fair Housing

## CHAPTER 1

### Building Code

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
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#### SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Village of Edgar" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance.."
- (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 relates 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) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

#### SEC. 15-1-2 BUILDING PLAN AND INSPECTION.



(a) **Permit Required**

- (1) General Permit Requirement. No building of any kind shall be moved within or into the Village and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.
- (2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
  - a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
  - c. Alterations When Not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises,
  - d. Alterations and Repairs Required. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. Extent of Deterioration. The amount and extent of deterioration of any existing building or structure shall be determined by the Building

- (b) **Application**. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee 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) **Site Plan Approval**.

- (1) Site Plan Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Village Board in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (2) 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 Village Board. The Village Board shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Village Board to advise whether the

application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Village Board shall authorize the Building Inspector to issue or refuse a building permit.

- (3) Requirements. In acting on any site plan, the Village Board shall consider the following:
- a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - b. 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.
  - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - d. The landscaping and appearance of the completed site. The Village Board 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 of purposes of this Section.
- (4) Effect on Municipal Services. Before wanting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector 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 Village Board shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
- (5) Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Zoning Board of Appeals by filing a notice of appeal with the Village Administrator within ten (10) days of the denial.
- (d) **Dedicated Street and Approved Subdivision Required**. No building permit 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. No building permits shall be issued until the subdivision and required Improvements are accepted by the Village Board.
- (e) **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 hook up 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.
  - (3) Occupancy. No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.
- (f) **Plans**. With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot fire

details to three-quarters (3/4) inch to one (1) foot. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. 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 (1) 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 (1) and two (2) family dwellings shall comply with the provisions of Chapter ILHR 20.09(4), Wis. Adm. Code.

(g) **Waiver of Plans; Minor Repairs.**

- (1) Waiver. 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 Dollars (\$2,000.00).
- (2) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than Two Hundred Fifty Dollars (\$250.00), as determined by the Building Inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(h) **Approval of Plans.**

- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspection of Work.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two (2) business days after notification all buildings at the following states of construction:

- (1) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
- (2) General framing, rough electrical, plumbing and heating;
- (3) Insulation; and
- (4) Completion of the structure. If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

(k) **Revocation of Permits.**

- (1) The Building Inspector may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
  - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
  - b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.

- d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (l) Report of Violations. Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
  - (m) Display of Permit. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED.

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 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 (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Administrator's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
  - (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
  - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
  - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
  - (4) Roof Coverings. Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
  - (5) Additions and alterations. Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.
- (c) **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 (1) or two (2) 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 (1) or two (2) family dwelling.
- (5) Minor Repair. "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) One (1) or two (2) family dwelling. "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) 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 the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter IUIR 20 -- Administrative and Enforcement

Wis. Adm. Code Chapter IUIR 21 -- Construction Standards

Wis. Adm. Code Chapter IUIR 22 -- Energy Conservation Standards

Wis. Adm. Code Chapter IUIR 23 -- Heating Ventilating and Air  
Conditioning

Wis. Adm. Code Chapter IUIR 24 -- Electrical Standards

Wis. Adm. Code Chapter IUIR 25 -- Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) Certified Inspector to Enforce. The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in reach of the categories specified under Sec. IUIR 26.06, Wis. Adm. Code.
- (2) Subordinates. The Building inspector may appoint, as necessary, subordinates as authorized by the Village Board.
- (3) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.
- (4) 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 the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.
- (5) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

**SEC. 15-1-4 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 Chapter with respect to those classes of buildings to which this Building 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.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and ILHR 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
  - (1) Wis. Adm. Code ILHR 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwelling and additions or modifications to existing one (1) and two (2) family dwellings.
  - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.
- (d) **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 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.

**SEC. 15-1-5 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.
- (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, test and other evidence necessary to approve the merits of such material, method of construction or device, shall be determined by the State Department of Industry, Labor and Human Relations.

**SEC. 15-1-6 UNSAFE BUILDINGS.**

Whenever the Building Inspector and 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, Wis. Stats.

**SEC. 15-1-7 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, the following disclaimer shall be applicable to all inspections under this Chapter: "These 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. 15-1-8 GARAGES.**

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

**SEC. 15-1-9 REGULATION AND PERMIT FOR RAZING BUILDINGS.**

- (a) No building within the Village of Edgar shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

**SEC. 15-1-10 BASEMENTS; EXCAVATION.**

- (a) **Basement Sub flooring.** First floor sub flooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

**SEC. 15-1-11 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 the 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 Chapter 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.

**SEC. 15-1-12 DUPLEX SERVICE CONNECTIONS.**

Each unit of a duplex shall have a separate water and sewer services.

**SEC. 15-1-13 REGULATIONS FOR MOVING BUILDINGS.**

- (a) **General Requirements.**
  - (1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
  - (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Administrator prior to issuance of the moving permit.
  - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.



- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Conformance with Code.** No Permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (e) **Bond**
  - (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Edgar in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
  - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e) (1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

**SEC. 15-1-14 SEWER AND WATER PROVISIONS.**

- (a) No permit for the construction or erection of any building, except for a garage or accessory building (not used for human habitation), shall be issued unless water and sewer mains are in the abutting street or their installation has been programmed for the following year .
- (b) Exemptions from this rule may be considered by the Village Board provided the following conditions can be satisfied:
  - (1) The soil meets the requirements for a private on-site waste disposal system (i.e., septic system or mound system), not including holding tanks.

- (2) Provisions of necessary public facilities and services will not be an unreasonable burden to the Village or its taxpayers.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air and water pollution or soil erosion.
- (5) The potential for conflict with surrounding land uses in the area is minimal.
- (6) The development will not adversely affect surrounding property assessments.
- (c) Structures that legally exist at the time of adoption of this Section may be rebuilt if destroyed, provided they meet all other provisions of the Village's Building and Zoning Codes.

**SEC. 15-1-15 SMOKE ALARMS AND/OR HEAT DETECTORS REQUIRED IN DWELLING UNITS.**

- (a) **Smoke Detector Devices Required.** The owner of every premises on which is located one (1) or more rental dwelling units within the Village shall install a smoke detection device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Fire Inspector to protect each sleeping area.
- (b) **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:
  - (1) Dwelling Unit. A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.
- (c) **Exemption.** This Section shall not apply to owner-occupied single-family dwelling units built before the effective date of this Code of Ordinance
- (d) **Installation and Design Standards.**
  - (1) The Chief of the Fire Department shall advise the owner of the premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
  - (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association (NFPA) standards, pamphlet #72E edition, and pamphlet #74, 1975 edition.
  - (3) All smoke and heat detection devices shall bear the Underwriters' Laboratory seal of approval or Factory Manual approval. All smoke detection devices shall meet the Underwriters' Laboratory standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
  - (4) In multiple-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosure which will be audible throughout the entire building.
  - (5) In multi-building dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in space according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.
  - (6) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler and incinerator rooms in a multi-family dwelling.
- (e) **Owner Responsible for Installation and Maintenance.** The owner of the dwelling unit shall be responsible for the installation and/ or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation of some other authorized qualified individual to assume that responsibility.

**SEC. 15-1-16 FEES.**

For new one (1) and two (2) family residential construction, the permit fee shall be Three Hundred Fifty Dollars (\$350.00). This fee will cover the cost of the Uniform Dwelling Code Permit, including the State Seal and the cost of inspections. There shall be no fee for other building permits.

**SEC. 15-1-17 SEVERABILITY.**

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

## CHAPTER 2

### Construction Site Erosion Control

15-2-1	Authority
15-2-2	Findings and purpose
15-2-3	Applicability of Regulations
15-2-4	Definitions
15-2-5	Design Criteria, Standards and Specifications for Control Measures
15-2-6	Maintenance of Control Measures
15-2-7	Control of Erosion and Pollutants During Land Disturbance and Development
15-2-8	Permit Application, Control Plan and Permit Issuance
15-2-9	Inspection
15-2-10	Enforcement
15-2-11	Prohibition of Vehicle Debris on Public Ways
15-2-12	Appeals

#### **SEC. 15-2-1 AUTHORITY.**

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

#### **SEC. 15-2-2 FINDINGS AND PURPOSE.**

- (a) Findings. The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and the Village of Edgar.
- (b) Purpose. It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the state and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands.

#### **SEC. 15-2-3 APPLICABILITY OF REGULATIONS.**

This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempt from this Chapter.

NOTE: State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Storm water Runoff, which contains similar requirements as contained in this Chapter, as a minimum.

#### **SEC. 15-2-4 DEFINITIONS.**

- (a) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
- (b) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (c) **Construction Site Control Measure.** A control measure used to meet the requirements of Section 15-2-7(b).
- (d) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (e) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector.
- (f) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (g) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

- (h) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including agricultural land uses such as planting, growing cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (i) **Landowner.** Any person holding title to or having any interest in land;
- (j) **Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes uses of his land.
- (k) **Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.
- (l) **Set of One (1) Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year . The following are typical characteristics of these one year storms for most of Wisconsin.

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average
		Total Rain (Inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (m) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

**SEC. 15-2-5 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.**

All control measures required to comply with this Chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector .

**SEC. 15-2-6 MAINTENANCE OF CONTROL MEASURES.**

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

**SEC. 15-2-7 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.**

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:
  - (1) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
  - (2) Those requiring a certified survey approval or the construction of houses of commercial, industrial or institutional buildings on lots of approved certified surveys.
  - (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.

- (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
- (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
- (6) Those involving the laying, repairing, replacing or enlarging of an under-ground pipe or facility for a distance of three hundred (300) feet or more.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Building Inspector clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

**(b) Erosion and Other Pollutant Control Requirements.** The following requirements shall be met on all sites described in Subsection (a)

- (1) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation Basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than one hundred (100) microns during dewatering operations, then no control is needed before discharge, except as determined by the Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

- (2) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) Tracking. Each non-residential site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways.
- (4) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:
  - a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Subsection (b)(5)c3. Sheet flow runoff from adjacent areas greater than ten thousand (10,000 square feet in area shall also be diverted around disturbed areas unless shown to have resultant runoff velocities of less than 0.5 ft/sec. across the disturbed area for the set of one (1) year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. NOTE: Soil and Conservation Service guidelines for allowable velocities in different types of channels should be followed.

- b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at anyone time.
- c. Runoff from the entire area disturbed area on the site shall be controlled by the meeting either of the following:
  - 1. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching or covering, or other equivalent control measure.
  - 2. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1% ) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water .
  - 3. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- d. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a down slope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

**SEC. 15-2-8 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.**

- (a) **Permit Application.** No landowner or land user may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector . At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for land Disturbing Activities Covering More Than One Acre.**
  - (1) Existing Site Map. A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:
    - a. Site boundaries of adjacent lands which accurately identify site location;
    - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
    - c. One hundred (100) year floodplains, flood fringes and floodways;
    - d. Location of the predominant soil types;
    - e. Vegetative cover;
    - f. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site;

- g. Locations and dimensions of utilities, structures, roads, highways, and paving; and
  - h. Site Topography at a contour interval not to exceed five (5) feet.
- (2) **Plan of Final Site Condition.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) **Site Construction Plan.** A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities;
  - b. Locations and dimensions of all temporary soil or dirt stockpiles;
  - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
  - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and
  - e. Provisions of maintenance of the construction site control measures during construction.
- (c) **Content of Control Plan Statement for Land Disturbing Activities Covering Less Than One Acre, But Meeting the Applicability Requirements Stated in Sec. 15-2-7(a).** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of the Chapter.
- (d) **Review of Control Plan.** Within forty-five (45) days of receipt of the application, control plan (or control plan statement), and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this Chapter are met. The Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within thirty (30) days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this Chapter. If the plan is disapproved, the Building Inspector shall inform the applicant in writing of the reasons for the disapproval.
- (e) **Permits.**
- (1) **Duration.** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (2) **Surety Bond.** As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
- (3) **Permit Conditions.** All permits shall require the permittee to:
- a. Notify the Building Inspector within forty-eight (48) hours of commencing any land disturbing activity;
  - b. Notify the Building Inspector of completion of any control measures within fourteen (14) days after their installation;
  - c. Obtain permission in writing from the Building Inspector prior to modifying the control plan;
  - d. Install control measures as identified in the approved control plan;
  - e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan;
  - f. Repair any situation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities;
  - g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs;
  - h. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and
  - i. Keep a copy of the control plan on the site.



**SEC. 15-2-9 INSPECTION.**

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two (2) times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Building Inspector shall enter the land pursuant to the provisions of Sections 66.122 and 66.123, Wis. Stats.

**SEC. 15-2-10 ENFORCEMENT.**

- (a) The Building Inspector may post a stop-work order if:
  - (1) Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
  - (2) The control plan is not being implemented in a good faith manner; or
  - (3) The conditions of the permit are not being met.
- (b) If the permittee does not cease the activity or comply with the control plan or permit conditions within ten (10) days, the Building Inspector may revoke the permit.
- (c) If the landowner or land user where no permit has been issued does not cease the activity within ten (10) days, the Building Inspector may request the Village Attorney to obtain a cease and desist order .
- (d) The Building Inspector or the Board of Appeals upon appeal may retract the stop-work order or the revocation.
- (e) Ten (10) days after posting a stop-work order, the Building Inspector may issue r a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this Chapter. The Building Inspector may go on the land and commence the work after fourteen (14) days from issuing the notice of intent. The costs of the work performed by the Building Inspector, plus interest at the rate authorized by the Building Inspector shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Village Administrator shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.60(16), Wis. Stats. Any person violating any of the provisions of this Chapter shall be subject to a forfeiture as provided in Section 1-1-6. Each day a violation exists shall constitute a separate offense.
- (f) Compliance with the provisions of this Chapter may also be enforced by injunction.

**SEC. 15-2-11 PROHIBITION OF VILLAGE DEBRIS ON PUBLIC WAYS.**

- (a) **Declaration of purpose.** The purpose of this Section is to prevent unsafe conditions on Village streets and to Safeguard against air pollution and increased sedimentation and pollution of our lakes and streams.
- (b) **Prohibition.** No person, firm, or corporation engaging in activity at a construction site, or operation area in conjunction with the construction activity, shall allow erosion to adjacent land, public streets or bodies of water or the tracking or dropping of dirt or other material by vehicles from the site onto any public street or allow either condition to remain. All persons, firms or corporations engaged in construction or maintenance activity shall be held responsible for any violations of this Section by himself, his agents, employees, subcontractors or haulers of materials or supplies.

**SEC. 15-2-12 APPEALS.**

- (a) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this Chapter. Upon appeal, the Board of Appeals may authorize variances for the provisions of this Chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship. The Board of Appeals shall use the rules, procedures, duties and powers authorized by statute for zoning boards of appeals in hearing and deciding appeals and authorizing variances.

- (b) **Who May Appeal.** Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector in administering this Chapter .

## CHAPTER 3

### Grievances Regarding Access to Public Buildings by Handicapped Persons.

15-3-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons

#### **SEC. 15-3-1 GRIEVANCE PROCEDURE REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.**

- (a) **Statement of Purpose.** The Village of Edgar 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 action 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 Administrator, 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 Village Administrator 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 the 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 Village Administrator .
  - (2) The grievance shall be heard by the Village Board 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 Board. The Village Administrator 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 Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three (3) working days of the close of the hearing and the Village Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given his or her application and record a copy of its determination with the Village Administrator .
- (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 ORS regulations.

## CHAPTER 4

### Fair Housing

15-4-1	Statement on Fair Housing
15-4-2	Definitions as Used in This Chapter
15-4-3	Unlawful Practices
15-4-4	Exemptions
15-4-5	Enforcement

#### SEC. 15-4-1 STATEMENT ON FAIR HOUSING.

It is hereby declared to be the policy of the Village of Edgar to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

State Law Reference: Sec. 66.432, Wis. Stats.

#### SEC. 15-4-2 DEFINITIONS AS USED IN THIS CHAPTER.

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** 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.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.
- (f) **Owner.** Lessee, sub lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by

publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

### **SEC. 15-4-3 UNLAWFUL PRACTICES.**

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or
- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
  - 1 The lowering of property values in the area;
  - 2 An increase in criminal or antisocial behavior in the area; or
  - 3 A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued there under; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

#### **SEC. 15-4-4 EXEMPTIONS.**

This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24 ) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at anyone time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
  - (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
  - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604 ; and
  - (3) Without the violation of Section 15-4-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four ( 4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

**SEC. 15-4-5 ENFORCEMENT.**

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within 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 Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance Fair Housing ~ with this Chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.