

MUNICIPAL CODE
TOWN OF UNION
EAU CLAIRE COUNTY, WISCONSIN
ORIGINALLY ADOPTED APRIL 7, 2011

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REVISION HISTORY LOG

Date	Page	Section #	Change

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS
ARTICLE 1 - MUNICIPAL CODE

1-1.0105 TITLE AND CREATION. Pursuant to the provisions of Sec. 66.035 of the Wisconsin Statutes, there is hereby created a Code of General Ordinances of the Town. Said Code of Ordinances shall be known and may be cited as the Municipal Code of the Town of Union.

1-1.0110 CODIFICATION. All Town General Ordinances shall be numerically codified except where specifically stated or when no code number is given. All ordinances which amend, repeal or in any manner affect the Municipal Code shall include proper reference to title, division, chapter, article, section and subsection to maintain an orderly codification of the ordinances of the Town.

1-1.0115 DEFINITIONS.

A. The following words and phrases, whenever used in the resolutions or ordinances of the Town or in this Municipal Code, shall be construed or defined as provided in this section unless, from the context, a different meaning is intended or unless a different meaning is specifically defined or more particularly directed to the use of such words and phrases:

1. "Board" means the Town Board of Supervisors of the Town of Union.
2. "Chair" means the Town Board Chairperson.
3. "Clerk" means the Town Clerk.
4. "Code or Municipal Code" means the Code of General Ordinances of the Town.
5. "Constable" shall mean an elected or appointed constable or police officer of the Town of Union.
6. "County" means the County of Eau Claire, Wisconsin.
7. "Keeper and Proprietor" shall include persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or by a servant, agent or employee.

8. "Law" means any of the following which may be applicable:
 - a. The Constitution of the United States
 - b. The Constitution of the State of Wisconsin
 - c. Federal law
 - d. State Statute
 - e. Federal Regulation
 - f. State Administrative Regulation
 - g. County Ordinance
 - h. Ordinances or resolutions of the Town
9. "May" shall be permissive.
10. "Month" shall mean a calendar month.
11. "Must" and "Shall" each shall be mandatory.
12. "Oath" includes an affirmation or declaration in all cases in which by law an affirmation may be substituted for an oath in which and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.
13. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
14. "Owner", applied to a building, land or personal property and includes any part owner, marital property owner, joint owner, tenant in common or joint tenant of the whole or part, or lessee for one year or more, of such building, land or personal property.

15. "Personal Property" includes every species of property except real property as herein defined.

16. "Preceding and Following" shall mean next before and next after respectively.

17. "Property" includes real and personal property.

18. "Real Property" includes lands, tenements, buildings and other land improvements.

19. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

20. "Statute" or "Statutes" or "Wis. Stats." refers to the Wisconsin Statutes.

21. "Street," "Road" and "Highway" includes all public ways, roads, streets, highways, avenues, boulevards, drives, alleys, courts, places, squares, curbs, bridges and approaches thereto within the Town.

22. "Town" means the Town of Union in Eau Claire County, Wisconsin, the area within the limits of the Town and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any statutory provision.

23. "Treasurer" means the Town Treasurer.

24. "Written" and "Writing" shall include all means of preserving physical or electronic data which can be read by a literate person fluent in the English language.

25. "Year" means a calendar year.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language. The technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

C. When an act is required by an ordinance or resolution, the same being such that it may be done as well by an agent as by the principal, such

requirement shall be construed as to include all such acts performed by an authorized agent of the principal.

1-1.0120 RULES OF CONSTRUCTION. The following rules of construction and interpretation shall apply in the interpretation and application of ordinances and resolutions of the Town unless the context requires otherwise:

A. **GENDER.** The masculine gender includes the feminine and neuter genders and visa versa.

B. The repeal of an ordinance or resolution shall not effect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance or resolution repealed.

C. Titles of chapters, sections or paragraphs are for information only, and are not a substantive part of the ordinance.

1-1.0125 SEVERABILITY. The titles, chapters, articles, sections, subsections, paragraphs, sentences, clauses and words of this code are severable and if any word, clause, sentence, paragraph, subsection, section, article, chapter or title of this code shall be declared unconstitutional or invalid for any reason by valid judgment or decree of any court of competent jurisdiction. Such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, subsections, sections, articles, chapters and titles of this code since the same would have been enacted by the Board without the incorporation into this code of any such unconstitutional or invalid word, clause, sentence, paragraph, subsection, section, article, chapter or title.

1-1.0130 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any ordinance or resolution or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any property or upon any premises within the Town on which the Town has jurisdiction, any authorized official of the Town may, upon presentation of proper credentials, enter such building or premises or property at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance provided that except in emergency situations or when consent of the owner or occupant if they can be located after reasonable effort, 24 hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner or occupant shall state that the owner or occupant has the right to refuse entry and that in such event entry is refused, legal action including the issuance of a search warrant may be pursued by the authorized official. In the event the owner or occupant refuses entry upon such request after such request has been made, the official is empowered to seek assistance in the form of appropriate legal action from any Court or competent jurisdiction in obtaining such entry.

1-1.0135 ALTERING CODE. It shall be a violation of this code for any person to change or amend by additions or deletions any part or portion of the Municipal Code or to insert or delete pages or portions thereof or to alter or tamper with the Municipal Code in any manner whatsoever which will cause the law of the Town to be misrepresented thereby.

1-1.0140 ENACTING CLAUSE. The enacting clause of all ordinances of the Town shall be "be it ordained by the Town Board of the Town of Union as follows (or that):." The enacting clause of any resolution of the Board shall be "be it resolved by the Town Board of the Town of Union that (or as follows):."

1-1.0145 OFFICIAL NEWSPAPER. The Leader-Telegram published in the City of Eau Claire and serving the west-central Wisconsin region is designated as the official newspaper of the Town.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS
ARTICLE 2 - VILLAGE POWERS**

1-1.0205 VILLAGE POWERS EXERCISED. It is declared that the Town Board, pursuant to the authority granted to it and reaffirmed by the annual meetings of the Town, shall exercise all powers relating to villages and conferred upon village Boards consistent with Sec. 60.18(12) of the Wisconsin Statutes.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS
ARTICLE 3 - TOWN MEETINGS
(Reserved for Future Use)**

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 1 - GENERAL PROVISIONS
ARTICLE 4 - CODE ENFORCEMENT

1-1.0405 PURPOSE. The purpose of this article is to provide for a modern means for the effective enforcement of the provisions of the Municipal Code.

1-1.0410 WARNING OR CITATION. Whenever a public official or employee, who is charged with enforcing all or part of the Municipal Code, has knowledge or reasonable cause to believe that a person has violated any of the provisions of the Municipal Code, such official or employee may, at his discretion, give such person an oral or written warning of the violation or may issue a citation, without arresting the person, as provided for in this article.

1-1.0415 JURISDICTION OVER JUVENILES.

A. The Eau Claire County Circuit Court shall have concurrent jurisdiction with the Juvenile Court in proceedings against minors ages 14 or older for violations of the Municipal Code.

B. Warnings and citations issued under this article may be issued to minors in such cases as adults may be warned or cited for the same offense.

C. If a warning or citation is issued to a minor under this article, a letter from the issuing official or employee together with a copy of such warning or citation shall be sent within seven days to the minor's parent or guardian.

D. If a court finds that the minor violated a law punishable by forfeiture or violated the Municipal Code, it may enter any of the dispositional orders permitted by law.

1-1.0420 JUVENILE CASE FOLLOW-UP. If a violation of the Municipal Code is committed by a minor under the age of 14, the enforcement official involved shall notify the minor's parent or guardian and may notify the County Director of Children's Court Services of the nature and details of the incident.

1-1.0425 GENERAL ENFORCEMENT POWERS. Notwithstanding the provisions of this article, nothing in this article shall be construed to limit the authority of the Chair or Board, on behalf of the Town, to take such legal action as they may deem necessary to enforce the provisions of the Municipal Code and all other ordinances and resolutions of the Town. The issuance under this article of a warning or a citation shall not preclude the proceeding under any other ordinance, resolution or law relating to the same or any other matter.

1-1.0430 ISSUANCE OF CITATIONS.

A. The Chair and any Supervisor designated by the Chair may and are hereby authorized to issue citations for enforcement of any section or portion of the Municipal Code enumerated in Section 1-1.0460.

B. The following officials of the Town are hereby authorized to issue citations for the enforcement of those portions of the Municipal Code specified hereunder which are directly related to their official responsibilities provided that the specific section or portion to be enforced is enumerated under Section 1-1.0460:

Enforcement Official	Municipal Code Reference
Clerk	Chapter 6 of Title 1 entitled "Elections"
Animal Control Officer	Article 2 of Chapter 3 of Division 1 of Title 2 entitled "Animal Control Regulations"
Chief, any Deputy Chief or Chief Inspector,	Chapter 3 of Division 1 of Title 2 entitled "Fire Regulations"
Township Fire Department, Inc.	
The Sheriff, any Deputy Sheriff of Eau Claire County and any other Park Warden appointed by the Town Board	Title 3, Chapter 2 - entitled "Parks and Recreation"

C. Delegation of authority to issue citations under this section shall not be permitted.

1-1.0435 CITATION FORMAT AND PROCEDURE.

A. The citation shall contain the following:

1. The name and address of the alleged violator.

2. Factual allegations describing the alleged violation.
3. The time and place of the offense.
4. The section of the Municipal Code violated.
5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement which in essence informs the alleged violator:
 - (a) That a cash deposit based on the schedule established in Section 1-1.0460 may be made and delivered or mailed to the Clerk prior to the time of the scheduled court appearance;
 - (b) That if a cash deposit is made, no appearance in court is necessary unless subsequently summoned;
 - (c) That if a cash deposit is made and the alleged violator does not appear in court, the nonappearance will be deemed a plea of no contest for which a forfeiture and a penalty assessment imposed by Section 165.87 of the Statutes not to exceed the amount of the deposit submitted; or in the event that the court does not accept the plea of no contest, a summons will be issued ordering the alleged violator to appear in court to answer the complaint; and
 - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by Section 165.87 of the Statutes up to the maximum permitted by law.
8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under item number 7 above has been read. Such statement shall be sent or brought with the cash deposit.

B. The provisions of Section 66.0111 of the Statutes relating to violators options and procedures on default are hereby adopted and incorporated herein by reference.

1-1.0438 PARTIES TO A VIOLATION.

A. Whoever is concerned in the commission of a violation of the Municipal Code for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

B. A person is concerned in the commission of the violation if the person:

1. Directly commits the violation;
2. Aids and abets the commission of it; or
3. Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

1-1.0440 DISTINCTION BETWEEN OFFENSES. Unless otherwise specified, each day or occurrence of a violation of the Municipal Code shall be deemed a separate offense.

1-1.0445 CITIZEN COMPLAINTS.

A. Whenever a person has a complaint that another person has or is violating a provision of the Municipal Code and the enforcement official involved does not have sufficient information to reasonably believe that such offense has or is being committed, without the statement of the complainant, the enforcement official shall request that the complainant execute and file with the Town a written complaint on a form to be provided by the Town.

B. If the written complaint provides the enforcement official with the reasonable information he requires, he may then, at his discretion, issue a warning or citation or institute other legal action as appropriate.

C. Each person filing a formal written complaint shall be responded to as soon as is practical as to the disposition of the complaint.

1-1.0450 OFFENSE REPORTS.

A. Each enforcement official designated in Section 1-1.0430 shall prepare, sign and file with the Town for placement in the filing system established under Section 1-3.0705, an offense report for each code enforcement case handled by him regardless of whether a citation was issued.

B. Each report shall contain the following information, when available, and shall be on a form provided by the Town:

1. Name, address and telephone number of complainant.
2. Name, address, date of birth and description of violator including driver's license number.
3. Type and nature of offense or incident including the time, date, day of week and location of occurrence and a summary thereof.
4. When and by what means the complaint was received.
5. Case number.
6. Number of official warning or citation.

C. A copy of all offense reports shall be filed in the filing system established for enforcement matters.

1-1.0455 INCIDENT REPORTS BY MONTH AND YEAR.

A. By the first of each month the Clerk shall prepare for the Board an Incident Report for the month previous to the month then ending showing a summary of all enforcement activity including hours and mileage and the nature and disposition of all cases, complaints, official warnings and citations including deposits collected.

B. By March 1 of each year the Clerk shall prepare for the Board and the Attorney an Incident Report for the previous calendar year showing a summary of all enforcement activity including hours and mileage and the nature and disposition of all cases, complaints, official warnings and citations

including deposits collected.

C. A condensed version of the Annual Incident Report provided by Paragraph B above shall be prepared by March 1 of each year for placement with appropriate narrative in the Town Annual Report.

D. A copy of all Incident Reports shall be filed in the filing system established for enforcement matters.

1-1.0460 SCHEDULE OF DEPOSITS.

A. All deposits under this section shall be made in cash, money order or certified check to the Clerk of Circuit Courts for Eau Claire County, who shall provide a receipt therefor.

B. The following schedule of cash deposits required for various municipal code violations and for the penalty and assessment imposed by Section 165.87 of the Statutes is established for use with citations issued under this article:

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
1-4.0850	Tax and Auditing	Class B - 400.00
1-5.0240	Ethics	Class C - 100.00
2.1-1.0105	Assault	Class D - 75.00
2.1-1.0110	Harassment	Class D - 75.00
2.1-1.0115	Willful Disturbance	Class D - 75.00
2.1-1.0120	Disorderly Conduct	Class D - 50.00

MUNICIPAL
CODE

REFERENCE	OFFENSE	DEPOSIT
2.1-1.0125	Riot	Class C - 100.00
2.1-1.0130	Unlawful Assembly	Class D - 50.00
2.1-1.0135	Terrorism	Class C - 100.00
2.1-1.0140	Indecent Exposure	Class C - 100.00
2.1-1.0145	Juvenile Drinking	Class D - 25.00
2.1-1.0150	Juvenile Loitering	Class D - 25.00
2.1-1.0205	Spitting	Class D - 25.00
2.1-1.0210	Sale of Tainted Food	Class D - 75.00
2.1-1.0212	Distributing Dangerous Substances	Class C - 100.00
2.1-1.0214	Making a False Report	Class C - 200.00
2.1-1.0215	False Report of Destructive Substance	Class C - 200.00
2.1-1.0218	Impersonating a Public Official or Employee	Class C - 100.00
2.1-1.0220	Interference with Official Acts	Class C - 100.00
2.1-1.0222	Refusing to Assist Officer	Class D - 50.00
2.1-1.0224	Harassment of Public Officers and Employees	Class D - 50.00
MUNICIPAL CODE		

REFERENCE	OFFENSE	DEPOSIT
2.1-1.0225	Abandoned or Unattended Refrigerators	Class D - 50.00
2.1-1.0228	Reckless Use of Fire or Explosives	Class C - 200.00
2.1-1.0230	Antenna and Radio Wires	Class D - 25.00
2.1-1.0232	Barbed Wire	Class D - 50.00
2.1-1.0234	Throwing and Shooting	Class D - 50.00
2.1-1.0235	Carrying Weapons	Class D - 75.00
2.1-1.0238	Discharging Weapons	Class D - 75.00
2.1-1.0240	Fireworks	Class D - 50.00
2.1-1.0305	Defacing Public Grounds	Class D - 25.00
2.1-1.0310	Injuring Pavement	Class D - 25.00
2.1-1.0315	Defacing Proclamations or Notices	Class D - 25.00
2.1-1.0320	Injury to Fire Apparatus	Class C - 100.00
2.1-1.0325	Public Buildings	Class D - 50.00
2.1-1.0330	Obstructing Drainage	Class D - 50.00
2.1-1.0340	Vandalism	Class D - 75.00

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CODE REFERENCE	OFFENSE	DEPOSIT
2.1-1.0345	Trespassing	Class D - 25.00 to 100.00
2.1-1.0350	Theft	Class D - 75.00
2.1-1.0355	Littering	Class D - 25.00 to 100.00
2.1-1.0410	Public Nuisances Prohibited	Class C - 100.00 to 250.00
2.1-2.0125	Traffic Lanes	Class D - 25.00
2.1-2.0205	Walking in Street	Class E - 10.00
2.1-2.0210	Use of Sidewalks	Class E - 10.00
2.1-2.0215	Hitchhiking	Class E - 20.00
2.1-2.0216	Pedestrian Crossing	Class E - 10.00
2.1-2.0217	Use of Crosswalks	Class E - 10.00
2.1-2.0218	Pedestrians Right-of-Way	Class D - 25.00
2.1-2.0220	Pedestrians Prohibited on Interstate 94	Class D - 25.00
2.1-2.0222	White Canes Restricted to Blind Pedestrians	Class D - 25.00
2.1-2.0224	Duty of Drivers with Regard to Blind Pedestrians	Class D - 25.00

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
2.1-2.0225	Temporary Embargo	Class C - 150.00
2.1-2.0228	Tampering with Vehicles	Class C - 100.00
2.1-2.0230	Moving Other Vehicles	Class D - 50.00
2.1-2.0232	Unattended Motor Vehicles	Class D - 50.00
2.1-2.0234	Excessive Tire Noise	Class D - 50.00
2.1-2.0235	Quiet Zones	Class D - 25.00
2.1-2.0238	Funeral or Other Procession	Class D - 25.00
2-1.2.0240	Vehicles on Sidewalks	Class D - 25.00
2.1-2.0242	Clinging to Vehicles	Class D - 75.00
2.1-2.0244	Mufflers	Class D - 25.00
2.1-2.0245	Recreational Vehicles Restricted	Class D - 25.00
2.1-2.0248	Operation of Licensed Vehicles Restricted on Public Property	Class D - 25.00
2.1-2.0250	Traffic Code Applies to Bicycles	Class D - 25.00
2.1-2.0252	Double Riding Restricted	Class E - 10.00
2.1-2.0254	Place of Riding Bicycle	Class E - 10.00
2.1-2.0255	Bicycle Paths	Class E - 10.00

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
2.1-2.0260	Bicycle Emerging from Alley or Driveway	Class E - 10.00
2.1-2.0262	Carrying Articles	Class E - 10.00
2.1-2.0264	Riding on Sidewalks	Class E - 10.00
2.1-2.0265	Bicycles Clinging to Other Vehicles	Class D - 25.00
2.1-2.0268	Bicycles Prohibited on Interstate Highway	Class D - 25.00
2.1-2.0270	Reckless Operation of Bicycles	Class D - 25.00
2.1-2.0272	Parking of Bicycles	Class E - 10.00
2.1-2.0274	Equipment Requirements for Bicycles	Class E - 10.00
2.1-2.0515	Schedule of Parking Fines	Class E - 5.00 To 25.00
2.1-2.0530	Impounding Vehicles	Class D - 25.00
2.1-2.0535	Park Adjacent to Curb	Class D - 25.00
2.1-2.0540	Parking for Certain Purposes Illegal	Class D - 25.00
2.1-2.0545	Parking Prohibited	Class D - 25.00
2.1-2.0550	Handicapped Parking	Class C - 100.00 To 250.00

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
2.1-2.0555	No Parking Zones	Class D - 25.00
2.1-2.0560	Parking Continuously in One Place for more than 72 Hours Prohibited	Class D - 25.00
2.1-2.0562	Snow Removal	Class D - 25.00
2.1-2.0568	Street Maintenance	Class D - 25.00
2.1-2.0570	Parking in Driveways	Class D - 25.00
2.1-2.0572	Parking Heavy Vehicles Prohibited	Class D - 25.00
2.1-2.0574	Unlawful Removing of Parking Notices and Citations	Class D - 25.00
2.1-2.0575	Abandonment of Vehicles Prohibited	Class D - 25.00
2.1-2.0645	All Terrain Vehicles and Snowmobiles	Class D - 25.00 To 100.00
2.1-3.0198	Animal Control Violation	Class C - 100.00 To 250.00
2.1-4.0155	Violation of Building Code	Class C - 100.00 To 250.00
2.1-4.0290	Violation of Housing Code	Class C - 100.00 To 250.00
2.2-3.0175	Fire Prevention Code Violations	Class C - 100.00 To 250.00

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
3-1.0155	Alcohol License Holder Closing Hours	Class D - 25.00 To 100.00
3-1.0280	Adult Entertainment Regulations	Class C - 100.00 To 250.00
3-1.0530	Mobile Homes Outside of Parks	Class E - 5.00 To 25.00
3-1.0650	Direct Sellers	Class D - 25.00 To 100.00
3-1.0675	Violating Hauler License	Class A - 500.00 To 1,000.00
3-1.0793	Depositing Yard Waste in Landfill 1 st Offense within 1 year	Class E - 10.00 To 25.00
	2 nd Offense within 1 year	Class D - 25.00 To 50.00
	3 rd Offense within 1 year	Class D - 50.00 To 100.00
	4 th or more Offense within 1 year	Class C - 100.00 To 250.00
3-1.0795	Landfill without Permission	Class C - 100.00 To 250.00
3-1.0945	Recycling without Permit	Class D - 25.00 To 100.00
3-1.1055	Operating a Motor Vehicle Salvage Yard without License	Class A - 500.00 To 1,000.00

MUNICIPAL CODE REFERENCE	OFFENSE	DEPOSIT
3-2.0195	Park Violations	Class C - 100.00 To 250.00
4-2.0110	Fires in Streets	Class D - 25.00
4-2.0125	Street Obstruction without Warning Lights	Class D - 50.00
4-2.0135	Street Obstruction	Class D - 25.00
	Vegetation Overgrowth	Class E - 10.00
	Snow Obstruction	Class D - 25.00
4-2.0140	Failure to Shovel	Class D - 25.00
4-2.0145	Injure or Tearing Up Pavement	Class A - 500.00 To 1,000.00
4-2.0710	Unlawful Driveway	Class C - 100.00 To 250.00
4-2.0705	Unlawful Sidewalk	Class C - 100.00 To 250.00

1-1.0462 RANGES FOR DEPOSITS. Wherever a deposit range is provided in Section 1-1.0460, enforcement officials shall have the discretion to select a deposit within the range as provided.

1-1.0464 SECTION NOTATIONS. For the purpose of easy reference, each section of the Municipal Code enumerated specifically under one of the offense classifications provided in Section 1-1.0465 shall have such class noted in parenthesis following the section. Each section for which a citation deposit or deposit range is provided in Section 1-1.0460 shall have such deposit amount or range noted in parenthesis following the section.

1-1.0465 CLASSIFICATION OF OFFENSES; FORFEITURES.

A. The penalty for violation of any provision of the Municipal Code shall be a forfeiture as hereinafter provided together with the costs of prosecution and the penalty assessment imposed by Section 165.87 of the Statutes where applicable. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty assessment imposed for violation of any provision of the Municipal Code may, upon order of the court, be imprisoned until such forfeiture, costs and assessments are paid, but not exceeding 90 days.

B. All offenses of the Municipal Code are hereby classified with a minimum and maximum forfeiture for each class for which a violator shall be subject. All offenses not specifically enumerated in this section shall be deemed Class E offenses.

C. The following offenses are designated Class A offenses and shall be subject to a forfeiture of not less than \$500.00 and not more than \$1,000.00:

MUNICIPAL
CODE
REFERENCE

OFFENSE

3-1.0675 Violating Hauler License

3-1.1055 Operating a Motor Vehicle Salvage Yard Without License

4-2.0145 Injure or Tearing Up Pavement

D. The following offenses are designated Class B offenses and shall be subject to a forfeiture of not less than \$250.00 and not more than \$500.00:

MUNICIPAL
CODE
REFERENCE

OFFENSE

1-4.0850 Tax and Auditing

E. The following offenses are designated Class C offenses and shall be subject to a forfeiture of not less than \$100.00 and not more than \$250.00:

MUNICIPAL CODE REFERENCE	OFFENSE
1-5.0240	Ethics
2.1-1.0125	Riot
2.1-1.0135	Terrorism
2.1-1.0140	Indecent Exposure
2.1-1.0212	Distributing Dangerous Substances
2.1-1.0214	Making a False Report
2.1-1.0215	False Report of Destructive Substance
2.1-1.0218	Impersonating a Public Official or Employee
2.1-1.0220	Interference with Official Acts
2.1-1.0228	Reckless Use of Fire or Explosives
2.1-1.0320	Injury to Fire Apparatus
2.1-1.0410	Public Nuisances Prohibited
2.1-2.0225	Temporary Embargo
2.1-2.0228	Tampering with Vehicles
2.1-2.0550	Handicapped Parking
2.1-3.0198	Animal Control Violation
2.1-4.0155	Violation of Building Code
2.1-4.0290	Violation of Housing Code
2.2-3.0175	Fire Prevention Code Violations
3-1.0280	Adult Entertainment Regulations
3-1.0793	Depositing Yard Waste in Landfill, 4 th offense within 1 year
3-1.0795	Landfill without Permission
3-2.0195	Park Violations

MUNICIPAL CODE REFERENCE	OFFENSE
4-2.0710	Unlawful Driveway
4-2.0705	Unlawful Sidewalk

F. The following offenses are designated Class D offenses and shall be subject to a forfeiture of not less than \$25.00 and not more than \$100.00:

MUNICIPAL CODE REFERENCE	OFFENSE
2.1-1.0105	Assault
2.1-1.0110	Harassment
2.1-1.0115	Willful Disturbance
2.1-1.0120	Disorderly Conduct
2.1-1.0130	Unlawful Assembly
2.1-1.0145	Juvenile Drinking
2.1-1.0150	Juvenile Loitering
2.1-1.0205	Spitting
2.1-1.0210	Sale of Tainted Food
2.1-1.0222	Refusing to Assist Officer
2.1-1.0224	Harassment of Public Officers and Employees
2.1-1.0225	Abandoned or Unattended Refrigerators
2.1-1.0230	Antenna and Radio Wires
2.1-1.0232	Barbed Wire
2.1-1.0234	Throwing and Shooting
2.1-1.0235	Carrying Weapons
2.1-1.0238	Discharging Weapons

MUNICIPAL CODE REFERENCE	OFFENSE
2.1-1.0240	Fireworks
2.1-1.0305	Defacing Public Grounds
2.1-1.0310	Injuring Pavement
2.1-1.0315	Defacing Proclamations or Notices
2.1-1.0325	Public Buildings
2.1-1.0330	Obstructing Drainage
2.1-1.0340	Vandalism
2.1-1.0345	Trespassing
2.1-1.0350	Theft
2.1-1.0355	Littering
2.1-2.0125	Traffic Lanes
2.1-2.0218	Pedestrians Right-of-Way
2.1-2.0220	Pedestrians Prohibited on Interstate 94
2.1-2.0222	White Canes Restricted to Blind Pedestrians
2.1-2.0224	Duty of Drivers with Regard to Blind Pedestrians
2.1-2.0230	Moving Other Vehicles
2.1-2.0232	Unattended Motor Vehicles
2.1-2.0234	Excessive Tire Noise
2.1-2.0235	Quiet Zones
2.1-2.0238	Funeral of Other Procession
2.1-2.0240	Vehicles on Sidewalks
2.1-2.0242	Clinging to Vehicles
2.1-2.0244	Mufflers
2.1-2.0245	Recreational Vehicles Restricted

MUNICIPAL CODE REFERENCE	OFFENSE
2.1-2.0248	Operation of Licensed Vehicles Restricted on Public Property
2.1-2.0250	Traffic Code Applies to Bicycles
2.1-2.0265	Bicycles Clinging to Other Vehicles
2.1-2.0268	Bicycles Prohibited on Interstate Highway
2.1-2.0270	Reckless Operation of Bicycles
2.1-2.0530	Impounding Vehicles
2.1-2.0535	Park Adjacent to Curb
2.1-2.0540	Parking for Certain Purposes Illegal
2.1-2.0545	Parking Prohibited
2.1-2.0555	No Parking Zones
2.1-2.0560	Parking Continuously in One Place for More Than 72 Hours Prohibited
2.1-2.0562	Snow Removal
2.1-2.0568	Street Maintenance
2.1-2.0570	Parking in Driveways
2.1-2.0572	Parking Heavy Vehicles Prohibited
2.1-2.0574	Unlawful Removing of Parking Notices and Citations
2.1-2.0575	Abandonment of Vehicles Prohibited
2.1-2.0645	All Terrain Vehicles and Snowmobiles
3-1.0155	Alcohol License Holder Closing Hours
3-1.0650	Direct Sellers
3-1.0793	Depositing Yard Waste in Landfill, 2 nd offense within a year
3-1.0793	Depositing Yard Waste in Landfill, 3 rd offense within a year
3-1.0945	Recycling without Permit

MUNICIPAL CODE REFERENCE	OFFENSE
4-2.0110	Fires in Streets
4-2.0125	Street Obstruction without Warning Lights
4-2.0135	Street Obstruction
4-2.0135	Snow Obstruction
4-2.0140	Failure to Shovel

G. The following offenses are designated Class E offenses and shall be subject to a forfeiture of not less than \$5.00 and not more than \$25.00:

MUNICIPAL CODE REFERENCE	OFFENSE
2.1-2.0205	Walking in Street
2.1-2.0210	Use of Sidewalks
2.1-2.0215	Hitchhiking
2.1-2.0216	Pedestrian Crossing
2.1-2.0217	Use of Crosswalks
2.1-2.0252	Double Riding Restricted
2.1-2.0254	Place of Riding Bicycle
2.1-2.0255	Bicycle Paths
2.1-2.0260	Bicycle Emerging from Alley or Driveway
2.1-2.0262	Carrying Articles
2.1-2.0264	Riding on Sidewalks
2.1-2.0272	Parking of Bicycles
2.1-2.0274	Equipment Requirements for Bicycles
2.1-2.0515	Schedule of Parking Fines

MUNICIPAL
CODE
REFERENCE

OFFENSE

3-1.0530	Mobile Homes Outside of Parks
3-1.0793	Depositing Yard Waste in Landfill, 1 st offense within a year
4-2.0135	Vegetation Overgrowth

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 2 - TOWN BOARD CHAIRPERSON AND BOARD
ARTICLE 1 - TOWN BOARD CHAIRPERSON**

(Reserved for Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 2 - TOWN BOARD
ARTICLE 2 - TOWN BOARD

1-2.0205 FIVE PERSON TOWN BOARD, TERM OF OFFICE AND ELECTION DATES. The Town Board, pursuant to direction of the 2008 Town meeting, the Town Board of Supervisors shall consist of five members to be elected at large as follows:

For the spring election in April 2009, there will be a chair and four supervisors elected. The two supervisors receiving the greatest number of votes shall be elected for two year terms. The two supervisors receiving the next highest number of votes shall be elected for one year terms. Each year thereafter, two supervisors will be elected for two year terms at each spring election, creating staggered terms pursuant to s. 60.21 (2) (c), Wis. Stats.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 1 - TOWN ADMINISTRATOR
(Reserved for Future Use)

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 2 - CLERK**

1-3.0205 APPOINTMENT OF CLERK. A majority of the members of the Board may appoint a person to fill the office of Clerk. The term of the person's appointment shall be for two years. The person may be reappointed. During a term, the person may be dismissed by the Board only for cause.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 3 - LEGAL SERVICES**

1-3.0305 TOWN ATTORNEY APPOINTMENT. The Town Attorney shall be appointed by majority vote of the Board upon the recommendations of the Chair and shall receive such compensation as shall be established by resolution.

1-3.0310 TOWN ATTORNEY POWERS AND DUTIES.

A. The Town Attorney shall act as attorney for the Town on all matters affecting the Town's interests and appear on behalf of the Town before any Court, Tribunal, Commission or Board.

B. The Town Attorney shall sign the name of the Town to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court and when so signed, the Town shall be bound upon the same.

C. The Town Attorney shall prepare those ordinances and resolutions that the Board or the Chair may desire and direct to be prepared and report to the Board upon all such ordinances before their final passage by the Board and publication or posting as required by law.

D. The Town Attorney shall, upon request, make a written report to the Chair, Clerk, Treasurer or Board, giving his opinion on all contracts, documents, resolutions, ordinances or any other matters submitted to him or coming to his knowledge.

E. The Town Attorney shall render his opinion on all questions of law relating to Town matters when requested by the Chair, Clerk, Board, Treasurer, Assessor or head of any other Town department or office.

F. The Town Attorney shall attend meetings of the Board as requested by the Chair or the Board.

G. The Town Attorney shall prepare the contracts, forms and other legal documents and writings which may be required for use by the Town and shall examine and render an opinion upon the legality and form of and recommend alterations for any legal document which binds or obligates the Town prior to the time that said document becomes binding or obligatory upon the Town.

1-3.0315 SPECIAL COUNSEL. The Chair is empowered to appoint and retain the services of special legal counsel on behalf of the Town whenever, in his judgment, it is in the best interests of the Town to do so or whenever the Town Attorney has a professional conflict with his duties.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 4 - PURCHASING
(Reserved for Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 5 - PROPERTY MANAGEMENT AND INSURANCE
(Reserved for Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 6 - ADMINISTRATIVE ASSISTANT
(Reserved for Future Use)

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 3 - ADMINISTRATION
ARTICLE 7 - RECORDS MANAGEMENT**

1-3.0705 DISPOSAL OF RECORDS. Pursuant to Sections 60.83 and 19.21(4) of the Statutes, authorization is hereby given to the Clerk to destroy or otherwise dispose of Town records, invoices, tax rolls, vouchers and such other obsolete or out-of-date materials as were generated for the years 1900-1990. Following the initial actions taken under this article, such Town documents described in the above paragraph shall be disposed of in accordance with referenced statutes on an annual basis; no documents being retained for a period greater than the statutory period established. Records of Board Proceedings and Town Meetings, Town planning documents, subdivisions, Town Road documents and Real Estate documents shall not be disposed of under this section.

1-3.0710 POSSESSION OF TOWN RECORDS.

A. In order to provide for the orderly administration and government of the Town, the Board has established an office.

B. The orderly administration of the Town requires that all books and records of the Town be kept at the Town office except for those which, for orderly administration, must be in the possession of the officeholder.

C. Except as permitted in Paragraph D below, all books and records of the Town, including all books and records in the charge of election or appointed Town officials, shall be kept and maintained at the Town office.

D. The following exceptions apply to Paragraph C above:

1. Personal records of any Town supervisors.
2. Records of the Town Assessor, provided the Assessor maintains an office where the same may be inspected by members of the public during normal business hours.
3. Records of any Town law enforcement officer provided that those records which are not confidential by law are made available to any person properly seeking to inspect the same upon one business day's notice.

F. No Town officer or employee, except a Town law officer accepting the payment of bail pursuant to law, may accept or retain any funds paid to the Town for whatever reason except at the Town office. Any funds accepted or received for the Town shall be promptly deposited in one of the depositories designated by the Board.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 1 - GENERAL PROVISIONS**

1-4.0105 APPROVAL OF CLAIMS.

A. Except for the payment of wages and salaries, no claim or demand against the Town treasury shall be paid until it has been audited and allowed and an order check drawn therefor.

B. Prior to submission to the Board for consideration, any and all claims and demands, except claims subject to and governed by Section 893.80 of the Statutes, shall be audited and approved for submission by the Clerk under the following guidelines:

1. That funds are available therefor pursuant to the current budget as approved or amended by the Board.

2. That the item or service involved has been duly authorized by the Board and is in conformance with the prevailing purchasing policies of the Town.

3. That the item or service has been actually supplied or rendered in conformity with such authorization.

4. That the claim is just and valid pursuant to law. The Clerk may require the submission of such proof and evidence to support the foregoing as in their discretion they may deem necessary.

C. Following the auditing required in Paragraph B above, and on a monthly basis, the Board shall be given a list of claims audited and recommended to be allowed by the Clerk and a list, if necessary, of claims audited and recommended to the disallowed. For each claim, such lists shall show the name of claimant, purpose or description, amount, budget account number and account name. Each list shall bear the signatures of the Clerk indicating that they have audited the claims listed and recommend allowance or disallowance as captioned.

D. Following review and approval by the Board, said Board shall execute an original list and one original copy. The original shall be kept with the minutes and the copy shall be filed in the filing system established for claims. Said execution by the Board shall represent allowance or disallowance as the caption of the list states.

E. Following review and allowance by the Board, the Clerk is authorized and instructed to release properly prepared order checks to the claimants as indicated on the approved list. If a claim is disallowed by the Board, the Chair or the Clerk shall, as appropriate, inform the claimant in writing of such disallowance with the reasons the Board gave for its decision.

F. Notwithstanding the above, claims may be allowed in part by the Board except such action shall be denoted on the approved list executed by the Board.

G. In the case where the Chair and Clerk have a disagreement or dispute over the auditing and submission of a claim to the Board, both officials shall place their respective recommendations in memorandum form and submit it along with the claim in question to the Board for settlement within 30 days of initial receipt of the claim.

H. In carrying out the provisions of this section, the Chair shall, as Deputy Clerk, have the powers and duties of the Clerk in the absence of the Clerk under this section.

I. Payment of all wages and salaries of authorized positions shall be by payroll verified by the Clerk and filed in time for payment on the regular payday as appropriate.

J. On a monthly basis, the Clerk shall prepare for the Chair, with a copy filed in the filing system established for claims, a central listing of the payroll figures of the previous month including names, positions, hours, rates of pay, budget accounts charged against and such other additional information as the Chair may require.

1-4.0110 SYSTEM FOR FILING CLAIMS.

A. Each claim allowed pursuant to Section 1-4.0105 shall be filed in a uniform filing system established exclusively for claims based on the expenditure chart of accounts established by year.

B. Attached to each claim shall be a claim allowance form which shall contain the order check number, payment date, fund name, account number, account name, purchase order number (if any), name of claimant, address of claimant and the date the Board approved allowance of the claim.

C. A copy of the completed form shall be used to prepare required

lists and the monthly general ledger and financial statements of the Town.

D. The filing system for claims shall also contain a copy of the lists required in Section 1-4.0105 and such other information as may be required by the Clerk.

1-4.0115 AMBULANCE SERVICE.

A. DEFINITIONS.

1. "Persons who receive emergency medical service or ambulance service" includes persons who personally receive such service and every person responsible for the payment of the medical expenses or debts of those persons, including the spouse, parents, children guardian, representative payee, personal representative, heirs, and others as provided by law.

2. "Emergency medical service or ambulance service" includes the services of emergency medical technicians, first responders, ambulance personnel, and others called or dispatched to the site of a reported medical emergency, without regard to whether actual medical or paramedical services are performed or whether the person is transported in an ambulance or other emergency vehicle.

B. All persons who receive emergency medical service or ambulance service which, by law, is furnished by the Town or the cost of which is chargeable to the Town, shall pay the cost thereof to the provider.

C. Any person who fails to pay to the provider the cost of said service shall pay to the Town any amount paid by the Town for said service together with interest thereon at the rate of one and one-half percent per month for each calendar month or part thereof between the date of said service and the date of payment to the Town.

D. Town officials are empowered to undertake such acts as are necessary or convenient to collect sums due the Town under the terms of this subsection.

1-4.0120 REFUND OF TAX OVERPAYMENTS.

A. All sums tendered to the Treasurer for the payment of taxes and license fees shall be applied by the Treasurer to sums due from the taxpayer in the following order unless a different order is specified by the taxpayer in writing:

1. To personal property taxes due;
2. To all license fees due;
3. To all special assessments or special charges due from the taxpayer except those deferred pursuant to ordinance or deferred as stated on the tax statement;
4. To the installment of real estate taxes, special assessments, and special charges shown on the taxpayers tax statement as due on January 31 of the year following the year for which said taxes are levied; and
5. To all remaining taxes, special assessments, and special charges due from said taxpayer.

B. Overpayments in the amount of \$2.00 or less are subject to Section 1-4.0125.

C. Overpayments in excess of \$2.00 shall be refunded by the Treasurer within 60 days of the date of overpayment without interest.

D. Any taxpayer who has overpaid the Treasurer may request an expedited refund provided such request is accompanied by payment to the Town in the amount listed in the Fee Schedule at the end of this code. Upon receipt of such request for expedited refund and payment, the Treasurer shall process a check for such refund and deliver the same to the taxpayer or mail it to the taxpayer by First Class Mail at the address shown on the request for refund, within five days of receipt of said request for payment or, if payment was made by check, within five days of the date the check is paid to the Town's bank, whichever is later.

1-4.0125 REFUNDS OF \$2.00 OR LESS. When any person, firm or corporation has over-paid an obligation to the Town, but said over-payment is in the amount of \$2.00 or less, the Town shall not refund said over-payment unless

application therefor is made in writing.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 2 - TREASURER

1-4.0205 BOND REQUIREMENTS.

A. Pursuant to Section 70.67(2) Statutes, the Town is obligated to pay and shall pay, in case the Treasurer of the Town of Union shall fail to do so, all taxes of any kind required by law to be paid by the Treasurer to the County Treasurer of Eau Claire County.

B. A certified copy of this ordinance shall be delivered by the Clerk to the County Treasurer of Eau Claire County in lieu of that bond required by Section 70.67(1) of the Wisconsin Statutes.

C. The Treasurer shall make available to the Chair or the Clerk the daily tax collections for verification of the days collections and deposits.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 3 - BUDGETING
(Reserved For Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 4 - ACCOUNTING, AUDITING AND FINANCIAL REPORTING
(Reserved For Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 5 - PUBLIC DEPOSITORIES AND INVESTING

1-4.0505 PRINCIPAL PUBLIC DEPOSITORY. **Bremer Bank**, as a qualified public depository under the laws of the State of Wisconsin, is hereby designated as the primary public depository of the Town for the purpose of making deposits of public monies. Said bank, as a public depository of the Town, shall be used for all checking and savings accounts of the Town unless otherwise specifically authorized by the Board.

1-4.0510 OTHER PUBLIC DEPOSITORIES. Notwithstanding Section 1-4.0205, the Treasurer, consistent with Sections 1-4.0520 and 1-4.0525, may transfer funds through order check or bank wire only from the primary public depository for the purpose of investing Town funds with or through the following financial institution(s) all of which shall be considered public depositories of the Town:

- A. Charter Bank of Eau Claire

1-4.0515 SIGNATURES ON ORDER CHECKS. The Clerk and the Treasurer shall sign each order check of the Town. In the absence of the Clerk, the Deputy Clerk may sign for the Clerk. The use of a facsimile signature by the Clerk or Treasurer on order checks in lieu of a personal signature is approved pursuant to Section 66.0607(3) of the Wisconsin Statutes provided said Clerk or Treasurer file and maintain a notarized written notice of personal approval and adoption of the procedure. The requirement for the Chair to countersign all order checks of the Town is removed.

1-4.0520 INVESTMENT AUTHORITY

- A. The authority to invest and reinvest money of the Town, to sell or exchange securities so purchased and to deposit such securities for safekeeping is delegated to the Board.

- B. The Treasurer is authorized to purchase at their original sale or after they have been issued, securities which are permissible investments under the Statutes as they now read or may hereafter be amended from money in the custody of the Treasurer which is not required for the immediate necessities of the Town and as he or she may deem wise and expedient and to sell or exchange for other eligible securities and reinvest the proceeds of the securities so purchased.

- C. From time to time, the Treasurer shall redeem the securities in

which the Town's money has been invested pursuant to Paragraph B above so that the proceeds may be applied to the purposes for which the original money was designated or placed in the Town's treasury.

1-4.0525 MOVEMENT OF FUNDS. All withdrawals or transfers of funds shall be made only by Town order check or bank wire. Whenever monies are received, they shall be immediately, or as soon as practicable, deposited by the Treasurer or the Clerk for safekeeping in a public depository of the Town as authorized in Section 1-4.0510. All accounts, deposits and securities shall be at all times held in the name of the Town only.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 6 - ASSESSING**

1-4.0605 ASSESSABLE IMPROVEMENTS.

A. No person shall move, remove or raze any assessable improvement on real estate without first obtaining a permit therefor from the Clerk. The cost of the permit is listed in the Fee Schedule at the end of this code. Failure to obtain said permit when required is a Class C offense under the provisions of the Municipal Code.

B. Any person having an interest in real estate from or upon which assessable improvements have been moved, removed or razed, and who fails to secure the permit required herein, is deemed to have waived any right to a claim, adjustment or refund of real estate taxes levied on account of improvements which were not on the assessed premises on the date of assessment.

1-4.0610 CONFIDENTIAL RECORDS.

Whenever the Assessor, in the performance of the Assessor's Duties, requests or obtains income and expense information pursuant to §70.47(7)(af), Wis. Stats., or other applicable statute, such income and expense information so provided to the Assessor pursuant to law shall be held as a confidential record by the Assessor, except, however, that said information may be revealed to and used by persons:

- A. In the proper discharge of duties imposed by law;
- B. In the discharge of duties by office including, but not limited to, use in the Assessor's office and use by the Board of Review; or
- C. Pursuant to order of a court. Income and expense information so provided to the Assessor, unless a court determines that it is inaccurate, is not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 7 - BOARD OF REVIEW

1-4.0705. A. The Board of Review of the Town, established pursuant to Section 70.46 of the Wisconsin Statutes, shall consist of five persons. The positions of the Board shall be filled by the following persons, in the order given, until full membership of five is reached:

1. Chair
2. Town Supervisors
3. Clerk

B. In the event fewer than five persons named in Paragraph A., above, are available to serve on the Board of Review, The Chair, or in the absence of the Chair, the available members of the Board of Review, may appoint additional members until there a five members available to serve. Additional members must be persons who meet all of the qualifications necessary to serve as a Supervisor.

TITLE I - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 8 - ROOM TAX

1-4.0805 DEFINITIONS. For the purpose of this section, the following terms shall be defined as follows:

A. "Hotel" or "Motel" means a building or group of buildings in which the public may obtain accommodations for a consideration including, without limitation, such establishments as inns, motels, hotels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other buildings in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inure to the benefit of any private shareholder or individual.

B. "Gross Receipts" has the meaning as defined in Wisconsin Statutes, Section 77.51 (11) (a), (b) and (c) insofar as applicable.

C. "Transient" means any person residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public.

D. "Innkeeper" means every person, whether a natural person or a person at law, acting as a hotel keeper, motel operator or other persons furnishing accommodations that are available to the public, and furnishing rooms or lodging at retail to transients.

1-4.0810 IMPOSITION OF TAX. Pursuant to §66.75, Wisconsin Statutes, (Stats.) a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of eight percent of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by §77.52 (2) Stats. The proceeds of such tax shall be remitted quarterly to the Clerk.

1-4.0811 EXEMPTIONS FROM TAX. This tax may not be imposed upon any sales to any person or entity made exempt by Wisconsin Statute.

1-4.0815 TAX PAYMENT AND FILING RETURNS. The tax shall be payable quarterly and shall be due on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the Clerk by every innkeeper on or before the same date on which such tax is due and payable. Such return shall show the gross room receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the Clerk deems necessary for proper administration. All payments shall be made to the Treasurer in care of the Clerk, who shall record such payments in the records of the Town and then deposit the same to the credit of the Town or forward payment to the Treasurer. The date a payment is received shall be the actual date on which the Clerk receives the payment, or the due date of said payment if the same was mailed to the Clerk by United States Mail, with sufficient postage prepaid, the envelope bears a postmark on or before the due date of the payment, and the envelope is delivered to the Clerk on or before the fifth business day following the due date.

The Clerk may, for good cause shown, extend the time of filing any return, but in no event longer than one month from the filing date. The quarterly room taxes collected may be reduced by an administrative fee of the greater of one percent of the gross amount of the tax OR \$10.00, whichever is greater, but not more than the tax collected, which may be retained by the taxpayer, provided that payment of the tax is not delinquent.

1-4.0820 TRANSFEREE LIABILITY. If any person liable for any amount of tax under this section transfers a significant portion of the taxable hotel, motel, or lodging business, or a significant portion of the assets used in the operation of said business, the transferee shall withhold a sufficient portion of the purchase price to pay all taxes, penalties, and interest due under this chapter until the Clerk certifies that all of said taxes, penalties, and interest due from the Transferor have been paid. Without regard to whether Said Transferee shall have withheld a sum sufficient therefor, said transferee shall pay any sums demanded by the Clerk on account of the Transferor's liability hereunder, provided such demand may not be made more than six months after Transferee notifies the Clerk of said Transfer. Thereafter, Transferee and Transferor may apply for refund of any sums collected but not actually due. Unless otherwise directed in writing, all such refunds shall be by check payable to both Transferee and Transferor.

1-4.0825 AUDIT.

A. The Clerk, Treasurer, or the designee of either of them may, by office audit, determine the tax required to be paid to the Town or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of the other information within the Clerk's possession. One or more such office audit determinations may be made of the amount due for any one or for more than one period.

B. The Clerk, Treasurer, or the designee of either of them may, by field audit, determine the tax required to be paid to the Town or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the Clerk's possession. The Clerk, Treasurer, or the designee of either of them is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify that the tax is the liability of that person or another person. Nothing herein shall prevent the Clerk from making a determination of tax at any time.

1-4.0830 COLLECTION, INTEREST & PENALTIES.

A. If any person fails to file a return as required by this section, the Clerk shall make an estimate of the amount of the gross receipts. Such estimate shall be made for the period from which such person failed to make a return and shall be based upon any information available to the Clerk. On the basis of this estimate the Clerk shall compute and determine the amount required to be paid to the Town, adding to the sum thus arrived at a computation surcharge equal to ten percent thereof. One or more such determinations may be made for one or more than one period.

B. If a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of twenty-five percent of the tax exclusive of interest or other penalties.

C. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this chapter, a penalty of twenty-five percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

D. All unpaid taxes under this section shall bear interest at the rate of one and one half percent for each calendar month or part thereof which passes after the due date until the tax due is paid to the Treasurer. All payments shall be applied first to penalties then due, then to surcharges then due, then to interest then due, and the balance, if any, shall be applied to taxes then due. All amounts refunded by the Town to the taxpayer because of taxpayer error or overpayment shall bear no interest. All other taxes refunded by the Town to the taxpayer shall bear interest at the rate of five percent per annum.

E. Any penalty or late fee imposed pursuant to this article may be waived by the Clerk if the Clerk determines that the error or failure for which the penalty or late fee would otherwise be imposed was reasonably due to good cause and not to neglect.

F. In order to protect the revenue of the Town, the Clerk may require

any person liable for the tax imposed by this chapter to place with the Town, before or after a permit is issued, such security not in excess of \$15,000 as the Clerk determines. If any taxpayer fails or refuses to place such security, the Clerk may refuse to issue, or may revoke such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this chapter, the Treasurer may, upon ten days' notice, recover the taxes, interest and penalties from the security placed with the Clerk by such taxpayer. No interest shall be paid or allowed by the Town to any person for the deposit of such security

1-4.0835 PERMIT.

A. Every person furnishing rooms or lodging under Section 1-4.0805 shall file with the Clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, and such other information as the Clerk requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application the applicant shall pay to the Treasurer the fee shown on the Fee Schedule at the end of this code.

B. After compliance with Sections 1-4.0835 and 1-4.0830 F. by the applicant, the Clerk shall grant and issue to each applicant a separate permit for each place of business within the Town. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. It shall at all times be conspicuously displayed at the place for which issued.

C. Whenever any person fails to comply with this chapter the Clerk or the Treasurer may, upon ten days' notification and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The Clerk shall give to such person written notice of the suspension or revocation of any of his permits. The Clerk shall not issue a new permit after the revocation of a permit unless he or she is satisfied that the former holder of the permit will comply with the provisions of this chapter. A fee shown on the Fee Schedule at the end of this code shall be imposed for the renewal or re-issuance of a permit which has been previously suspended or revoked.

1-4.0840 CONFIDENTIALITY.

A. Pursuant to §66.75(3), Wisconsin Statutes, all tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the Auditing Agency are deemed to be confidential, except the Clerk, Treasurer, or the designee of either of them may divulge their contents to the following, and

no others:

1. The person who filed the return.
2. Officers, agents, or employees of the Federal Internal Revenue Service or the State Department of Revenue.
3. Officers, employees, or agents of the Town as may be necessary to enforce collection.

B. No person having an administrative duty under this section shall make known in any manner the business affairs, operations or information obtained by an investigation of records of any person on whom a tax is imposed by this section, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as required by law.

1-4.0845 DISPOSITION OF FUNDS COLLECTED. Not less than annually as a part of the Town's budget, and at such other times as the Board shall determine, the Board shall allocate and provide for spending at least seventy percent of the Room Tax amount collected on tourist promotion and development, which includes the development and enhancement of tourist destinations in the Town, the development and enhancement of tourist destinations in the area of Eau Claire, Altoona, and Menomonie, the advertising and promotion of tourist destinations in the Town and the advertising and promotion of tourist destinations in the area of Eau Claire, Altoona, and Menomonie. Advertising and promotion activities may be conducted by the Town, by any agents or agencies selected by the Board, or by any combination thereof.

1-4.0850 PENALTY. Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in Section 1-4.0835 or who fails or refuses to permit the inspection of his records by the Auditing Agency, after such inspection has been duly requested by the Clerk, or who fails to file a return as provided in this section, or who violates any provision of this section, shall be subject to a forfeiture not to exceed \$400. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 4 - FINANCE
ARTICLE 9 - DELINQUENT TAXES**

1-4.0905 DENIAL - DELINQUENT TAXES.

A. **PREMISES.** No initial or renewal business, fermented malt beverage, or alcohol beverage license or permit shall be issued for any premises for which local taxes, assessments or other claims due to the Town are delinquent and unpaid.

B. **PERSONS.** No initial or renewal business, fermented malt beverage, or alcohol beverage license or permit shall be issued by the Town to any person:

1. Delinquent in payment of local taxes, assessments, or other claims due to the Town; or

2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.

C. **NOTICE.** Applicants for renewal of a license or permit shall be afforded notice when a license renewal is denied on the basis of delinquent local taxes, and may apply for an appeal hearing on the matter within 20 days of receipt of said notice.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 5 - PERSONNEL
ARTICLE 1 - PERSONNEL MANUAL

1-5.0105. In the event the Board determines to hire employees for more than 800 hours per year, it shall adopt and publish a manual of Personnel policies and practices.

**TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 5 - PERSONNEL
ARTICLE 2 - ETHICS CODE**

1-5.0205 PURPOSE. The proper operation of a democratic and representative government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for improper personal gain; and that conflicts between private interest and public responsibilities be avoided. In recognition of these goals, there is established a Code of Ethics for Town officials and employees. The purpose of this code is to establish guidelines for ethical standards of conduct for such officials and employees by setting forth those acts or actions that are incompatible with the best interest of the Town and by directing disclosure by such officials and employees of private interest in matters affecting the Town. The provisions and purpose of this code and such rules and regulations as may be established are declared to be in the best interest of the Town.

1-5.0210 DEFINITIONS. In construing the provisions of this chapter, the following definitions shall apply:

A. "Business" means an occupation, trade or profession, engaged in for profit or personal gain.

B. "Confidential information" means such oral or written communications received in the course of performance of official duties which are decreed to be privileged under statutes, regulations or ordinances, or which should be reasonably understood to be privileged, unless the Town and all other parties involved have authorized the release of said information.

C. "Conflict of interest" means a direct or indirect personal or financial interest which is inconsistent with the proper performance or one's official duties or which would tend to impair one's independence of judgment or action in the performance of official duties.

D. "Contract" means all agreements, whether formal or informal, to which the Town is a party for the provision of goods, materials, supplies, construction or services in exchange for valuable consideration.

E. "Family" means the immediate family and includes the, spouse, children, parents and siblings.

F. "Financial interest" means a pecuniary interest, whether vested or contingent, direct or indirect or, which may reasonably be expected to yield a

monetary or the material benefit to the person in question.

G. "Gratuity" means anything of value, whether corporeal or incorporeal, given to a Town employee or official by any person who has benefitted or hopes to benefit from the sale of goods or services to the Town, or, in all cases, given with the intent of influencing that employee or official's decisions or actions, but shall not include reasonable fees, honoraria or expenses incurred in attendance at public meetings or speaking engagements.

H. "Incompatibility" or any form thereof means such a conflict between one's official responsibilities and personal or financial interests so as to prevent that person from discharging both with fidelity and propriety.

I. "Interest" means the right to participation or actual participation in terms of either responsibility or advantage.

J. "Kickback" means a gratuity given to an employee or Town official in response to action which was previously induced to promote the interests of the person giving the gratuity.

K. "Personal Interest" means any interest arising from blood or marriage, to the extent of the third degree as defined in Sec. 8522.03 (2), Stats., whether or not any financial interest is involved.

1-5.0215 FINANCIAL AND PERSONAL INTEREST PROHIBITED. No Town official or employee shall engage in any business or transaction for financial or personal interest with the Town.

1-5.0220 SPECIFIC CONFLICTS ENUMERATED. The following conflicts of interest shall be expressly prohibited.

A. **INCOMPATIBLE EMPLOYMENT.** No Town official or employee shall engage in or accept private employment or render services to any other governmental body or to anyone in the private sector which would tend to be incompatible with the proper discharge of his or her duties, unless otherwise permitted by law or unless disclosure is made as hereinafter provided.

B. **REPRESENTING PRIVATE INTERESTS BEFORE AGENCIES OR COURTS.** No elected Town official or employee who is admitted to practice law shall represent, as an advocate any private interest, other than his or her own or that of his or her family, in any proceeding adverse to the Town before any federal or state court or agency.

C. **DISCLOSURE OF CONFIDENTIAL INFORMATION.** No Town official or employee shall, without proper authorization, disclose confidential information, nor use such information to advance the actual or anticipated financial or personal interest of him or herself or others.

D. **GRATUITIES OR KICKBACKS.**

1. No person shall offer, give or agree to give any Town official or employee, nor shall any Town official or employee accept a gratuity in connection with any decision, purchase requests or ruling for the purpose of influencing the result of such official action with respect to which the Town official or employee exercises a discretionary or mandatory power.

2. No payment of a gratuity or kickback shall be made by or on behalf of any person and be accepted by any Town official or employee as an inducement or reward for the latter's action in procuring the award of any contract or order.

E. **FAILURE TO DISCLOSE INTEREST IN LEGISLATION.**

1. The following persons on behalf of themselves or their families shall disclose the nature and extent of any personal or financial interest in proposed legislation before the Board:

a. Board members;

b. Town officials or employees who have been asked to render official opinions or recommendations to the Board on the legislation.

2. The disclosure shall be made before any debate commences upon the particular legislation and shall consist of an announcement to be recorded in the journal of proceedings and a request to abstain from voting. Notwithstanding abstention from voting as may be allowed by the Board, it shall be the responsibility of each employee or Town official to personally ascertain that such actions do not conflict with Section 946.13, Stats.

F. **NEPOTISM FORBIDDEN.** Town officials and employees are forbidden from engaging in any act intended to, or from using their positions to influence the Town to, employ in any capacity whatsoever, or otherwise retain the services of, as an independent contractor or agent, a relative by blood, to

the extent of the third degree, as defined at Section 852.03 (2), Stats., or by marriage.

G. USE OF POSITION TO COMPEL CHARITABLE CONTRIBUTIONS, DONATIONS OR INDUCE BUSINESS. Town officials are forbidden from using their positions to influence employees to make political campaign contributions, secure other donations to causes, Town or private, or to engage in business transactions in which they have a personal or financial interest.

H. CONDUCTING PRIVATE BUSINESS ON TOWN PREMISES AND TIME. Town officials and employees are forbidden from conducting their personal or private business while they are on Town premises and engaged in their public duties. Private business includes all forms of political activity including but not limited to, soliciting, making or receiving contributions, gathering signatures on petitions, and engaging in campaigning for votes except as an incident to legislative activities.

1-5.0225 PROHIBITED CONTRACTS WITH THE TOWN. Notwithstanding the exclusions from coverage set forth at Section 946.13 (2) Stats., no Town official or employee may, in his or her private capacity, negotiate or enter in to a contract with the Town in which contract such person has a private financial interest, direct or indirect, if at that time he or she is required or authorized by law to participate in an official capacity as a Town official or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of personal discretion; nor shall any Town official or employee, in an official capacity, participate in the making of a contract in which such person has a private financial interest, direct or indirect, or perform in regard to that contract some functions requiring the exercise of personal discretion unless said action is otherwise lawful and:

A. That contract is awarded through a process of public notice and competitive bidding; and

B. The Board waives the requirement of this section after determining that it is in the best interest of the Town to do so.

1-5.0230 PUBLIC PURPOSE DOCTRINE.

A. No Town official or employee shall request or permit the use of Town services or of Town-owned vehicles, equipment, materials or property for non-official purposes or for personal profit or convenience, except when such services are generally available to the public-at-large.

B. No Town official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

1-5.0235 INCORPORATION OF STATE STATUTES.

A. In addition to Section 946.13, Stats., the following provisions of the Wisconsin Statutes are incorporated by reference and made a part of this chapter:

1. Section 19.01, Oaths and Bonds;
2. Section 19.21, Custody and Delivery of Official Property Records.

B. Failure of Town officials to comply with the provisions of law set forth in Subsection A of this section shall constitute a violation of this chapter.

1-5.0240 SANCTION FOR VIOLATIONS. Any person violating this chapter may be subject to forfeiture. (Class C - \$100.00)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 6 - ELECTIONS
ARTICLE 1 - GENERAL PROVISIONS
(Reserved for Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 6 - ELECTIONS
ARTICLE 2 - WARDS AND POLLING PLACES

1-6.0205 PURPOSE. The purpose of this article is to establish voting wards, ward boundaries and designate polling places for the Town.

1-6.0210 NUMBER OF WARDS. There shall be established three voting wards in the Town, numbered one through three.

1-6.0215 BOUNDARIES. Ward boundaries shall be in accordance with the map maintained in the office of the Clerk, and may be updated from time to time to reflect attachments, annexations or consolidations.

1-6.0220 POLLING PLACES. The following listed polling places shall be established as the polling place for the designated wards herein listed:

All wards: Union Town Hall

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 6 - ELECTIONS
ARTICLE 3 - ELECTION PROCEDURES

(Reserved for Future Use)

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 6 - ELECTIONS
ARTICLE 4 - ELECTION OFFICIALS

(Reserved for Future Use)

1-6.0410 SHIFTS OF ELECTION OFFICIALS. The Clerk may designate two of more shifts of election officials to work on an election day, and the Clerk or other person in charge of a polling place may establish the working hours of each election official.

TITLE 1 - POLICY AND ADMINISTRATION
CHAPTER 6 - ELECTIONS
ARTICLE 5 - ELECTRONIC VOTING

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES
ARTICLE 1 - PUBLIC PEACE AND MORALS**

2.1-1.0105 ASSAULT. No person shall, without justification or consent of the other, do any of the following:

A. **PAIN OR INJURY.** Perform any act which is intended to cause pain or injury or which is intended to result in physical contact which will be insulting or offensive to another.

B. **THREAT OF PAIN OR INJURY.** Perform any act which is intended to place another in reasonable fear of immediate physical contact which will be painful, injurious, insulting or offensive.

C. **DANGEROUS WEAPON.** Intentionally point any firearm toward another or display in a threatening manner any dangerous weapon toward another. (Class D - \$75.00)

2.1-1.0110 HARASSMENT. No person shall, with intent to intimidate, annoy or alarm another person, do any of the following:

A. **COMMUNICATIONS.** Communicate with another person by telephone, telegraph or writing without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

B. **SIMULATED EXPLOSIVE.** Place any simulated explosive or simulate incendiary device in or near a building, vehicle, airplane, railroad engine, railroad car or boat.

C. **MERCHANDISE OR SERVICES.** Order merchandise or services in the name of another, or to be delivered to another, without such persons knowledge and consent.

D. **FALSE REPORTS.** Report or cause to be reported false information to a law enforcement, emergency medical or fire service agency or member thereof implicating another in some criminal activity knowing that the information is false, or report occurrence of a criminal act knowing the same did not occur. (Class D - \$75.00)

2.1-1.0115 WILLFUL DISTURBANCE. No person shall willfully disturb any

deliberative or governing body, election or hearing with the purpose of disturbing the functioning of such body, election or hearing by tumultuous behavior or coercing by force or the threat of force any official conduct or proceeding. (Class D - \$75.00)

2.1-1.0120 DISORDERLY CONDUCT. No person shall do any of the following:

A. **FIGHTING.** Engage in fighting or violent behavior in any public place, except that participants in athletic contests may engage in such conduct which is reasonably related to that sport.

B. **NOISE.** Make loud and raucous noise in the vicinity of any residence, business or hospital which causes unreasonable distress to the occupants or users thereof.

C. **ABUSIVE LANGUAGE.** Direct abusive epithets or make any threatening gesture which the person knows or reasonably should know as likely to provoke a disturbance or violent reaction by another.

D. **DISRUPT LAWFUL ASSEMBLY.** Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

E. **FALSE REPORT OF CATASTROPHE.** By words or action, initiate or circulate a report or warning of fire, epidemic or other catastrophe knowing such report to be false or such warning to be baseless.

F. **OBSTRUCT USE OF STREET.** Without authority or justification, obstruct any street, sidewalk, highway or other public way with the intent to prevent or hinder its lawful use by others.

G. **OTHER.** Engage in, in a public or private place, in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. (Class D - \$50.00)

2.1-1.0125 RIOT. It shall be unlawful for three or more persons to assemble and conduct themselves in a violent manner, to the disturbance of others, and for any of said persons to use unlawful force or violence against another person or any property. (Class C - \$100.00)

2.1-1.0130 UNLAWFUL ASSEMBLY. It shall be unlawful for three or more

persons to assemble, with all or any of them acting in a violent manner and with the intent that all or any of them will commit a public offense. (Class D - \$50.00)

2.1-1.0135 TERRORISM. No person shall shoot, throw, launch or discharge a dangerous weapon at or into any building, vehicle, aircraft, railroad engine or railroad car or boat occupied by another person and thereby place the occupants thereof in reasonable apprehension of serious injury. (Class C - \$100.00)

2.1-1.0140 INDECENT EXPOSURE. No person shall publicly expose his or her genitals or pubic area, or commit a sex act in the presence of or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows or reasonably should know that the act is offensive to the viewer. (Class C - \$100.00)

2.1-1.0145 JUVENILE DRINKING. No person under the age of 21 years of age 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 of the Statutes. (Class D - \$25.00)

2.1-1.0150 JUVENILE LOITERING. No person under the age of 18 years of age, after first being warned by a law enforcement officer or a school official, shall remain, loiter or idle on public school grounds during scheduled school hours. This section shall not apply to students who have obtained special permission from school authorities in accordance with the school's rules and regulations. (Class D - \$25.00)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES
ARTICLE 2 - PUBLIC HEALTH AND SAFETY**

2.1-1.0205 SPITTING. It shall be unlawful for a person to spit within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern. (Class D - \$25.00)

2.1-1.0210 SALE OF TAINTED FOOD. It shall be unlawful for a person to sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods or other articles of food or to sell or offer for sale the flesh of any animal that was diseased. (Class D - \$75.00)

2.1-1.0212 DISTRIBUTING DANGEROUS SUBSTANCES. No person shall distribute any drugs or medicine or any corrosive, caustic, poisonous or other injurious substance unless the person delivers such into the hands of a competent person or otherwise takes reasonable precaution that neither minors nor animals have access to the place where the substance is deposited. (Class C - \$100.00)

2.1-1.0214 MAKING A FALSE REPORT. No person shall report or cause to be reported false information to any fire service or law enforcement authority or any official of the Town knowing that the information is false or shall report an occurrence knowing the same did not occur. (Class C - \$200.00)

2.1-1.0215 FALSE REPORT OF DESTRUCTIVE SUBSTANCE. No person shall, knowing the information to be false, convey or cause to be conveyed to any person any false information concerning the placement of any incendiary or explosive device or material or other destructive substance or device in any place where persons or property would be endangered. (Class C - \$200.00)

2.1-1.0218 IMPERSONATING A PUBLIC OFFICIAL OR EMPLOYEE. No person shall falsely and with intent to deceive hold himself or herself out or assume to act as an elected or appointed officer of official, peace officer or person authorized to act on behalf of the Town. (Class C - \$100.00)

2.1-1.0220 INTERFERENCE WITH OFFICIAL ACTS. No person shall knowingly resist or obstruct anyone known by the person to be a public official or peace officer in the performance of any act which is within the scope of such official or officer's lawful duty or authority or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or the order of any court. (Class C - \$100.00)

2.1-1.0222 REFUSING TO ASSIST OFFICER. Any person who is requested or ordered by any official, peace officer or fire fighter to render said official, peace officer or fire fighter assistance in making or attempting to make an arrest, suppressing a fire, preventing the commission of any criminal act, shall render assistance as required. (Class D - \$50.00)

2.1-1.0224 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES. No person shall willfully prevent or attempt to prevent any public official, officer or employee from performing the official's, officer's or employee's duty. (Class D - \$50.00)

2.1-1.0225 ABANDONED OR UNATTENDED REFRIGERATORS. No person shall, outside of a secure building, abandon, leave or permit to remain unattended any refrigerator, icebox, freezer or other containers with doors that may become latched from the outside. (Class D - \$50.00)

2.1-1.0228 RECKLESS USE OF FIRE OR EXPLOSIVES. No person shall so use fire or any incendiary or explosive device or material as to recklessly endanger the property and safety of another. (Class C - \$200.00)

2.1-1.0230 ANTENNA AND RADIO WIRES. It shall be unlawful for a person to allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or other public property without proper authorization of the Town. (Class D - \$25.00)

2.1-1.0232 BARBED WIRE. It shall be unlawful for a person to use barbed wire to enclose land within the Town without the consent of the Board unless such land consists of ten acres or more and is used as agricultural land and is zoned as such. (Class D - \$50.00)

2.1-1.0234 THROWING AND SHOOTING. No person shall throw stones or missiles of any kind or shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk, Town right-of-way or other public place. (Class D - \$50.00)

2.1-1.0235 CARRYING WEAPONS. No person shall go armed with a dangerous weapon concealed on or about his person or shall within the Town go armed with any loaded firearm, whether concealed or not, or shall knowingly carry or transport in a vehicle a pistol, revolver or loaded firearm, provided that this section shall not apply to any of the following:

A. Being armed with a dangerous weapon in his or her own dwelling or place of business or on land owned or possessed by the person.

B. Any peace officer including the Town Police Officer as defined by the Statutes.

C. Any member of the armed forces of the United States or the National Guard or person in the service of the United States when the weapons are carried in connection with his or her duties as such.

D. **WITHIN CONTAINER.** Any person who for any lawful purpose carries an unloaded pistol, revolver or other dangerous weapon inside a closed or fastened container or securely wrapped package which is too large to be concealed on the person.

E. **WITHIN VEHICLE.** Any person who for any lawful purpose carries or transports any unloaded pistol or revolver in any vehicle inside a cargo or large compartment where the pistol or revolver will not be readily accessible to any person riding in the vehicle or common carrier.

F. **TARGET PRACTICE AND HUNTING.** Any person while he or she is lawfully engaged in target practice or hunting for game.

G. **VALID PERMIT.** Any person who has in his or her possession and displays to any official or peace officer of the Town on demand a valid permit to carry weapons which permit has been issued to that person pursuant to Wisconsin law and whose conduct is within the limits described therein.

H. **CORRECTIONAL OFFICER.** Any correctional officer, when his or her duties require, serving under the authority of the State Division of Corrections. (Class D - \$75.00)

2.1-1.0238 DISCHARGING WEAPONS.

A. No person shall discharge any rifle, shotgun, revolver, pistol, gun or firearm of any kind within 200 yards of any permanent dwelling, residence or business structure not owned or occupied by the person discharging the weapon.

B. In addition to the restrictions in Section A above, no person shall fire or discharge or carry uncased any rifle, revolver or pistol within the following described area of the Town, except for authorized target shooting at Westgate Sportsman Club. That area of the Town East of County Trunk Highway TT (Kane Road) and East of the West lines of Sections 26 and 35, Township 27 North, Range 10 West. (Class D - \$75.00).

2.1-1.0240 FIREWORKS.

A. No person may possess or use fireworks, as described in the Wisconsin Statutes, within the Town without first having secured a permit from the Chair. (Class D - \$50.00).

B. A permit under this section may be issued only to:

1. A public authority;
2. A fair association;
3. An amusement park;
4. A park Board;
5. A civic organization;
6. A group of resident or nonresident individuals; or
7. An agricultural producer for the protection of crops from predatory birds or animals.

C. The Chair shall issue no permit for the possession or use of fireworks until the applicant has executed an application containing the following:

1. The identity of the applicant;
2. The proposed purpose of the use or possession of fireworks;
3. If the fireworks are to be ignited or displayed, an adequate description of the location and circumstances under which they will be used or displayed; and
4. An indemnity of the Town for any damages arising from said possession or use in the following language: "The undersigned hereby indemnifies and holds harmless the Town, its officers, agents and

employees from any and all claims, damages, costs or expenses including reasonable attorney's fees, which costs, claims, damages or expenses arise, directly or indirectly, from or because of the use or display of fireworks in the Town by the undersigned, by any person under the control of the undersigned, by any person operating with permission of the undersigned or by any person obtaining fireworks previously in possession of the undersigned pursuant to the permit applied for by any means whatsoever."

5. Satisfactory proof that the applicant is licensed by the State of Wisconsin as a pyrotechnic operator.

D. Before issuance of a permit under this section, the Chair shall determine that the applicant has filed with the Clerk an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Town, 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.

E. Before issuance of a permit under this section, the Chair shall determine that the applicant is an appropriate person to receive such permit, shall receive advice from the Town staff as to the foreseeable safety of the possession or use of fireworks at the proposed location, and shall notify the Township Fire Department Incorporated of the application.

F. Copy of every permit issued under this section shall be delivered to the Town law enforcement officer and the Chief of the Township Fire Department at least 48 hours before the permit allows the discharge of fireworks.

G. The Fire Chief of the Township Fire department may cancel any permit issued under this ordinance if, in the Chief's sole discretion, the use of fireworks as authorized by the permit poses an unusual fire hazard. The issuance by the Fire Chief or by the Wisconsin Department of Natural Resources of a general burning ban covering the site described in the permit and effective on the date of the permit shall automatically cancel said permit.

H. Any application for a fireworks permit shall be accompanied by a fee listed in the Fee Schedule at the end of this code.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES
ARTICLE 3 - PROPERTY**

2.1-1.0305 DEFACING PUBLIC GROUNDS. No person shall cut, break or deface any tree or shrub on public property or on any public way by willfully defacing, cutting, breaking or injuring such tree or shrub. (Class D - \$25.00)

2.1-1.0310 INJURING PAVEMENT. No person shall damage or deface the pavement in any street, alley, driveway or sidewalk. (Class D - \$25.00)

2.1-1.0315 DEFACING PROCLAMATIONS OR NOTICES. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any proclamation, advertisement, notification, ordinance or resolution set up at any place within the Town by authority of the law or any public official during the time for which the same is to remain set up. (Class D - \$25.00)

2.1-1.0320 INJURY TO FIRE APPARATUS. No person shall willfully destroy, damage or injure any fire apparatus, vehicle or piece of equipment or other thing used and kept for the extinguishment of fires. (Class C - \$100.00)

2.1-1.0325 PUBLIC BUILDINGS. No person shall willfully write, make marks or draw characters on the walls or any other parts of any church, college, school or other public building or on any furniture, apparatus or fixture therein or otherwise willfully damage or deface the same or any wall or fence enclosing the same. (Class D - \$50.00)

2.1-1.0330 OBSTRUCTING DRAINAGE. No person shall divert, obstruct, impede or fill up without authorization from the Town any ditch, drain or water course or otherwise obstruct or impede drainage. (Class D - \$50.00)

2.1-1.0340 VANDALISM. No person shall damage, deface, alter or destroy the tangible or physical property of another person without that person's consent. (Class D - \$75.00)

2.1-1.0345 TRESPASSING. No person shall commit one or more of the following acts:

A. **ENTER PROPERTY WITHOUT PERMISSION.** Enter upon or in property without justification or without the implied or actual permission of the owner, lessee or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass or place therein or

thereon anything animate or inanimate.

B. **VACATE PROPERTY WHEN REQUESTED.** Enter and remain upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee or person in lawful possession or by any peace officer or public employee whose duty it is to supervise the use and maintenance of the property.

C. **INTERFERE WITH LAWFUL USE OF PROPERTY.** Enter upon or in private property for the purpose or with the affect of unduly interfering with the lawful use of the property by another.

D. **USE OF PROPERTY WITHOUT PERMISSION.** Be upon or in property and wrongfully use, remove therefrom, alter, damage, harass or place thereon or therein anything without the implied or actual permission of the owner, lessee or person in lawful possession.(Class D - \$25.00 to \$100.00)

2.1-1.0350 THEFT. No person shall take possession or control of the property of another or property in the possession of another with the intent to deprive the other thereof. (Class D -\$75.00)

2.1-1.0355 LITTERING. No person shall throw or deposit any debris or waste material on or along any highway or street or on any public or private property. (Class D - \$25.00 to \$100.00)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 1 - PUBLIC OFFENSES
ARTICLE 4 - NUISANCES**

2.1-1.0405 PUBLIC NUISANCES DEFINED.

A. "Public Nuisance" means any thing, act, occupation, omission, condition or use of property that is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as to unreasonably interfere with the comfortable enjoyment of life or property or which tends to depreciate the value of surrounding property.

B. The following are hereby specifically declared to be public nuisances but such enumeration shall not be construed to exclude other public nuisances coming within the definition provided in Paragraph A above:

1. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
2. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, ashes, garbage, scrap metal or similar materials.
3. Garbage cans or trash containers which are not fly tight.
4. All noxious weeds and other rank growth of vegetation.
5. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause injury to property in the Town.
6. The pollution of any public well or cistern, stream, lake or other body of water by sewage, industrial wastes or other substances.
7. Any use of property, substances or things within the Town emitting or causing any fowl, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or

inconvenience any appreciable number of persons within the Town.

8. All abandoned wells not securely covered or secured from public use.

9. Any use of property which shall cause any nauseous or unwholesome liquid or substance flow into or upon any street, gutter, alley, sidewalk or public place within the Town or into or upon any private property.

10. 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.

11. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public street or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.

12. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets or highways from obtaining a clear view of traffic when approaching an intersection or a pedestrian crosswalk.

13. All limbs of trees which project over and less than fifteen feet (15') above the surface of a public sidewalk or street or less than twelve feet (12') above any public place.

14. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use.

15. Anything suspended less than fifteen feet (15') above streets, sidewalks or other public property.

16. All loud, discordant and unnecessary noises or vibrations of any kind.

17. Any unauthorized or unlawful use of property abutting on a

public street or sidewalk or of a public street or sidewalk which causes large crowds of people to gather, or results in the obstruction of traffic or inhibits the free use of the street or sidewalk.

18. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street or sidewalk.

19. All lawns and the boulevard in front or along such premises, in primarily residential areas, not cut or maintained by the owner or occupant at a height lower than nine inches (9").

20. Any unlicensed vehicle or vehicle part which is neither on a driveway or stored within a building, except in those areas specifically licensed as salvage yards or automobile dealers.

21. The accumulation or storage of any unlicensed, junked or inoperative vehicles or machinery, or parts thereof, outside of any building on any real estate located in the Town, unless a proper permit has been issued therefor.

22. Any sidewalk of the Town not kept clear of snow and ice by the owner or occupant of the abutting lot.

2.1-1.0410 PUBLIC NUISANCES PROHIBITED. No person shall create, erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town. Violation of this section shall be a Class C offense, punishable by a forfeiture of not less than \$100.00, not more than \$250.00, plus costs and attorney fees. Each day of violation shall constitute a separate offense.

2.1-1.0415 ENFORCEMENT. Notwithstanding the provisions for abatement in this article, official warnings and citations may be issued therefor.

2.1-1.0420 ABATEMENT.

A. Whenever a complaint is made that a public nuisance exists within the Town, the Chair or and any Supervisor designated by the Chair, as an enforcement official of the Town, shall promptly inspect or cause to be inspected the premises complained of and shall whenever appropriate and practicable perpetuate evidence of the nuisance by preparation of reports, statements, photographs, and sound recordings.

B. If the enforcement official determines that a public nuisance exists and that it poses a danger to the public health, safety, peace or good order of the Town, notice shall be served on the person or persons causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises which such nuisance is caused, permitted or maintained or by posting a copy of said notice on the premises. Such notice shall direct the abatement of such nuisance by a set time and date, which shall be as soon as practical under the circumstances. The notice shall state that unless such nuisance is so abated or removed, the Town will cause the same to be abated or removed and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance as the case may be.

C. If the nuisance is not abated within the time provided or the owner, occupant or person causing the nuisance cannot be found, the enforcement officer shall promptly cause the abatement or removal of such public nuisance.

D. If the enforcement official determines that a public nuisance exists on private property but that the nature of the nuisance is not such as to pose a danger to the public health, safety, peace or good order, he shall file a written report of his findings with the Town Attorney who shall cause an action to abate such nuisance to be commenced in the name of the Town.

E. Nothing in this section shall be construed as prohibiting the use of other methods of abatement of public nuisances or the enforcement of this article by the Town or its officials.

2.1-1.0425 COSTS OF ABATEMENT. In addition to any other penalty imposed, the cost of abating or removing a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 1 - GENERAL PROVISIONS**

2.1-2.0105 STATE TRAFFIC LAWS 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, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this code 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 code. Any future amendments, revision or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

2.1-2.0110 DEFINITIONS.

A. "Roadway" means that portion of highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

B. "Highway" means a public way, thoroughfares and bridges of the same. It includes the entire width between the boundary lines of every way open to the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveway in the state, county or municipal parks but does not include private roads or driveways as defined in Sec. 340.01 (46), (1989-90) WI Stats.

C. "Traffic Control Devices" means any sign, signal marking, or other device displayed to regulate the flow or stopping of traffic on a Town Roadway.

D. "Official Traffic Map" means the map established by the Town Board with the location of all TRAFFIC CONTROL DEVICES clearly marked.

2.1-2.0115 INSTALLATION OF UNIFORM TRAFFIC CONTROL DEVICES. It is the duty of the Board to have Uniform Traffic Control Devices Erected and Installed. Whenever traffic regulations created by this code including a State of Wisconsin Traffic Regulation adopted by reference in Section 1 require the erection of traffic control devices for enforcement, the Board shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Devices 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 graphic control device, devices shall be erected in such locations and in such a manner as in the judgement of the Board will carry out the purposes of this code and give adequate warning to the users of the streets and highways of the Town.

2.1-2.0120 CROSSWALKS. The Board by may, by resolution, designate and maintain crosswalks by appropriate traffic control devised at intersections where due to traffic conditions there is particular danger to pedestrians crossing the street or roadway and at such other places as traffic conditions require.

2.1-2.0125 TRAFFIC LANES. The Town may mark lanes for traffic on street pavements at such places as traffic conditions require when such is not inconsistent with this chapter. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. (Class D - \$25.00)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 2 - GENERAL REGULATIONS**

2.1-2.0205 WALKING IN STREET. When sidewalks are not provided, pedestrians shall at all times, when walking on or along a street, walk on the left side of the street. (Class E - \$10.00)

2.1-2.0210 USE SIDEWALKS. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along or upon an adjacent street. (Class E - \$10.00)

2.1-2.0215 HITCHHIKING. No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle. (Class E - \$20.00)

2.1-2.0216 PEDESTRIAN CROSSING. Every pedestrian crossing a street or roadway, at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway. (Class E - \$10.00)

2.1-2.0217 CROSSWALK. Pedestrians crossing the street in an area where a marked crosswalk is provided shall cross in the crosswalks only. (Class E - \$10.00)

2.1-2.0218 PEDESTRIAN RIGHT-OF-WAY. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the road right-of-way within any marked crosswalk or within any unmarked crosswalk at an intersection. (Class D - \$25.00)

2.1-2.0220 PEDESTRIANS PROHIBITED ON INTERSTATE 94. No person shall walk upon, along or within any fences portion of the right-of-way of Interstate Highway 94, except persons duly engaged in construction, maintenance, fire fighting or law enforcement or persons present for the purpose of leaving, servicing or removing a disabled vehicle or aiding the injured. (Class D - \$25.00)

2.1-2.0222 WHITE CANES RESTRICTED TO BLIND PEDESTRIANS. No person, except when wholly or partially blind, shall carry or use on any public street, highway or sidewalk a cane or walking stick which is white in color or white tipped with red. (Class D - \$25.00)

2.1-2.0224 DUTY OF DRIVERS WITH REGARD TO BLIND PEDESTRIANS.

Any driver of a vehicle or operator of a motor drive vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick which is white in color or white tipped with red or being led by a guide dog wearing a harness and walking on either side of or slightly in front of said blind person, shall immediately come to a complete stop and take such precautions as may be necessary to avoid accident or injury to the blind person. (Class D - \$25.00)

2.1-2.0225 TEMPORARY EMBARGO. Whenever it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of a certain designated amount, the Chair, for a period not to exceed 120 days without Board authorization, may declare a temporary embargo whereby vehicles weighing in excess of an amount designated by the Chair but not less than three tons, shall not be operated on the streets so designated by the Chair in a Class Two notice to be published in the official newspaper of the Town prior to the effective date of the temporary embargo. Such embargo may be restricted to certain designated streets or may be declared on a Town-wide basis applicable to all Town streets and highways. (Class C - \$150.00)

2.1-2.0228 TAMPERING WITH VEHICLES. No person shall individually or in association with one or more other persons willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner. (Class C - \$100.00)

2.1-2.0230 MOVING OTHER VEHICLES. No person shall move a vehicle not owned by such person into any prohibited area or away from curb such distance as is unlawful. (Class D - \$50.00)

2.1-2.0232 UNATTENDED MOTOR VEHICLES. No person driving in or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, and, when standing upon any perceptible grade, without effectively setting the brake thereupon and turning the front wheels to the curb or side of the street. (Class D - \$50.00)

2.1-2.0234 EXCESSIVE TIRE NOISE. No person shall skid, slide or spin the tire of a motor vehicle he is operating so as to cause the emission of excessive or unusual noise when the same is not necessary for the safe operation of the vehicle. (Class D - \$50.00)

2.1-2.0235 QUIET ZONES. When authorized signs are erected indicating a quiet zone as designated by the Board, no person operating a motor vehicle in any such zone shall sound the horn or other warning device of such vehicle except in an emergency. (Class D - \$25.00)

2.1-2.0238 FUNERAL OR OTHER PROCESSION. The following regulations shall apply to funeral and other similar processions within the Town:

A. **IDENTIFIED.** A funeral or other procession composed of vehicles as such by the lighting of their headlights which shall be kept lighted during the time they are in procession.

B. **MANNER OF DRIVING.** Each driver in a funeral or other procession shall drive as near to the right hand side of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

C. **INTERRUPTING PROCESSION.** No driver of any vehicle shall drive between vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply to intersections where traffic is controlled by traffic control signals or peace officers. (Class D - \$25.00)

2.1-2.0240 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk or boulevard area except at a driveway. (Class D - \$25.00)

2.1-2.0242 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of the Town unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodations. No person shall ride on the running board of a vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. (Class D - \$75.00)

2.1-2.0244 MUFFLERS. It shall be unlawful for a person to operate or drive a motor vehicle on a street or highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke or to use a muffler cut-out, by-pass or similar device. (Class D - \$25.00)

2.1-2.0245 RECREATIONAL VEHICLES RESTRICTED.

A. Except as specifically authorized by Statute, no person shall use or operate any snowmobile, mini-bike, all-terrain vehicle or any other motorized vehicle not licensed for operation on the highways of the state, on any public property in the Town except in areas where such operation is specifically permitted by official signs posted by the Town, county or state.

B. No person shall use or operate a snowmobile, mini-bike, all-terrain vehicle or any other motorized vehicle not licensed for operation on the highways of the state on any private property in the Town without the owner's consent.

C. For the purposes of this section, public property shall include all property and lands owned by the Town, any school district, or the County. (Class D - \$25.00)

2.1-2.0248 OPERATION OF LICENSED VEHICLES RESTRICTED ON PUBLIC PROPERTY. No person shall use or operate any motorcycle, motorbike, moped or other motorized vehicle licensed for operation upon the highways of the state on any public property within the Town except upon streets and highways or other areas specifically designated by official signs of the Town or the County for such operation. (Class D - \$25.00)

2.1-2.0250 TRAFFIC CODE APPLIES TO BICYCLES.

A. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle except as to those provisions which by their nature can have no application.

B. Whenever such person riding a bicycle dismounts from a bicycle, he shall be subject to all regulations applicable to pedestrians. (Class D - \$25.00)

2.1-2.0252 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the manner for which it is designed and equipped. (Class E - \$10.00)

2.1-2.0254 PLACE OF RIDING BICYCLE. Every person operating a bicycle upon a public way or street shall ride as near to the right hand side of the way or street shall ride as near to the right hand side of the way or street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. When so riding upon a public way or street with other cyclists, there shall not be more than two abreast except on public ways set aside for the exclusive use of bicycles. (Class E - \$10.00)

2.1-2.0255 BICYCLE PATHS. Whenever a usable path for bicycles has been

provided adjacent to a street or roadway, bicycle riders shall use such path and shall not use the roadway or street. (Class E - \$10.00)

2.1-2.0260 BICYCLE 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 approaching on said sidewalk of sidewalk area and upon entering the roadway or street shall yield the right-of-way to all vehicles approaching on said roadway or street. (Class E - \$10.00)

2.1-2.0262 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand on the handle bars. (Class E - \$10.00)

2.1-2.0264 RIDING ON SIDEWALKS. Bicycles may be operated upon the public sidewalks in a careful and prudent manner and at a rate of speed not exceeding eight miles per hour. Every person lawfully operating a bicycle upon a public sidewalk, when approaching a pedestrian, shall either dismount or give a clear right-of-way to the full extent of such sidewalk to such pedestrian. (Class E - \$10.00)

2.1-2.0265 BICYCLES CLINGING TO OTHER VEHICLES. No person riding upon any bicycle on a street or public way shall attach the bicycle or himself to any moving vehicle upon such street or public way. (Class D - \$25.00)

2.1-2.0268 BICYCLES PROHIBITED ON INTERSTATE HIGHWAY. No person shall ride, park or stop any bicycle within any fenced portion of the right-of-way of Interstate Highway 94. (Class D - \$25.00)

2.1-2.0270 RECKLESS OPERATION OF BICYCLES. No person shall operate a bicycle on a street or public way at a speed greater than is reasonable and prudent under the conditions then existing and shall not operate the same in such a manner as to constitute a willful or wanton disregard for the safety of persons or property. (Class D - \$25.00)

2.1-2.0272 PARKING OF BICYCLES. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such a manner as to afford the least obstruction to pedestrian traffic or upon the parking area between the sidewalk and roadway. (Class E - \$10.00)

2.1-2.0274 EQUIPMENT REQUIREMENTS FOR BICYCLES. Every person riding a bicycle shall be responsible for providing and properly using equipment as provided herein:

A. **NIGHTTIME USE.** Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance from at least five hundred feet (500') to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty to three hundred feet (50'-300') to the rear when directly in front of a lawful upper beam of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition or in place of the red reflector required in this subsection.

B. **BRAKES REQUIRED.** Every bicycle shall be equipped with a brake which will enable the operator to make a braked wheel skid on dry, level, clean pavement and which may be applied and bring the bicycle to a stop without the brake locking the braked wheel. (Class E - \$10.00)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 3 - SPEED REGULATIONS**

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 4 - STOP AND YIELD REGULATIONS**

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 5 - PARKING**

2.1-2.0505 DEFINITIONS. The following definitions shall apply in this article unless the context requires otherwise:

A. “Abandoned Vehicle” means any of the following:

1. A motor vehicle that has been unattended on public property for more than 24 hours and lacks current registration plates or is inoperable.

2. A motor vehicle that has remained illegally on public property for more than 15 days.

3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than 24 hours, or for a motor vehicle that has been illegally impounded by order of the Chair or any Supervisor designated by the Chair and has not been reclaimed for a period of 30 days.

B. “Inoperable Vehicle” means any motor vehicle which lacks an engine, or two or more wheels or other structural part which renders the vehicle totally inoperable.

C. “Park or Parking” means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

D. “Vehicle” means a motor vehicle, motorized recreational vehicle, trailer, semi-trailer, mobile home or similar vehicle, whether or not such vehicle is registered under Chapter 341 of the Statutes.

2.1-2.0510 PARKING VIOLATION NOTICE.

A. The Chair, any Supervisor designated by the Chair, and any employee of the Town under their direction may enforce the parking regulations established in this article by the initial issuance of a parking violation notice to be placed and secured upon the vehicle.

B. Such notice shall indicate the date and time of the violation, the license of the vehicle, the year of the vehicle and the location of the offense. Such notice shall also include designation of the general nature of the offense, the amount of the find imposed and any comments of the issuing official or employee together with his or her initials.

C. If payment of the fine imposed is made in person or by mail to the Town within ten days of the issuance of the notice, no citation or court action will be initiated for the particular violation unless such violation should continue.

2.1-2.0515 SCHEDULE OF PARKING FINES. Except for violations of parking regulations regarding parking during a snow emergency, all parking regulations regarding prohibited or restricted parking, overtime parking or improper parking, except handicapped parking, shall be subject to a parking fine of \$5.00. A violation of any section regarding parking during snow emergency shall be subject to a fine of \$10.00. Notwithstanding this, after ten days and payment has not been made, a citation may be issued for violation of this article with the deposit for such citation being equal to the maximum forfeiture provided for a Class E offense. (Class E \$5.00- \$25.00).

2.1-2.0520 OTHER ENFORCEMENT ACTION NOT EXCLUDED. Notwithstanding any other provisions of this article regarding article enforcement, the Chair or any Supervisor designated by the Chair may when they deem it necessary under the circumstances, take such other legal action as may be necessary to enforce this article including the issuance of a written warning or citation.

2.1-2.0525 PRESUMPTION OR ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

A. **DESCRIBED VEHICLE.** The particular vehicle described in the information was parked in violation of this article; and

B. **REGISTERED OWNER.** The defendant named in the information was the registered owner at the time in question.

2.1-2.0530 IMPOUNDING VEHICLES. The Chair and any Supervisor designated by the Chair are hereby authorized to remove, or cause to be

removed, a vehicle from a street, public way, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated and maintained by the Town, under the circumstances hereinafter enumerated:

A. **DISABLED VEHICLE.** When a vehicle is upon a roadway or street and is so disable as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

B. **ILLEGALLY PARKED VEHICLE.** When any vehicle is left unattended upon a street or roadway and is so illegally parked as to constitute a definite hazard or the obstruction to the normal movement of traffic.

C. **SNOW REMOVAL.** When any vehicle is left parked in violation of a ban on parking during a snow emergency.

D. **PARKED OVER 72 HOUR PERIOD.** When any vehicle is left parked upon a street or roadway for a continuous period of 72 hours or more, a diligent effort shall first be made to locate the owner. If the owner is found, he shall be given a reasonable opportunity to remove the vehicle.

E. **COSTS.** In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this article shall be required to pay the reasonable cost of towing and storage as provided for abandoned vehicles. (Class D - \$25.00).

2.1-2.0535 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a street or roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen inches (18") of the curb or edge of the roadway or street, except as otherwise provided in the case of angle parking and vehicles parked on the left hand side of one-way streets. (Class D - \$25.00).

2.1-2.0540 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon any street or roadway for any of the following principal purposes:

A. **SALE.** Displaying such vehicle for sale.

B. **REPAIRING.** For commercial washing, greasing or repairing such

vehicle except such repairs as are necessitated by an emergency.

C. **ADVERTISING.** Displaying advertising.

D. **MERCHANDISE SALES.** Selling merchandise from such vehicle except in a duly established marketplace or when so properly authorized as provided in the Municipal Code. (Class D - \$25.00).

2.1-2.0542 RESIDENTIAL OFF-STREET PARKING.

A. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards and in residential side yards which abut a public street, is a public nuisance. The purpose of this section is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety and welfare of the Town. This section does not affect parking on public highways, which is the subject of another section.

B. For all purposes under this section, "vehicle" includes all of the following: motor vehicle, vehicle designed or intended to be towed by a motor vehicle, accessory to a motor vehicle designed for human habitation of any duration or a boat on or off a trailer.

C. Except as permitted herein, no vehicle may be parked, stored or left unattended and no person may park, store or leave unattended any vehicle on any land in the Town designated for residential use by the Zoning Ordinance of Eau Claire County as the same exists on the date any party seeks to enforce this section, except on that land zoned for rural homes.

D. Personal, non-commercial vehicles may be parked in said residential districts only on a driveway or other improved surface and only under the following conditions.

1. Parking is permitted anywhere in rear or interior side yards but only on an improved surface as defined below.
2. Parking is prohibited in front yards and side yards on a corner lot abutting a street except on a driveway.
3. Parking additional vehicles in the front yard or side yard on a corner lot abutting a street may be permitted in writing by the Clerk if space is unavailable or there is no reasonable access to the rear yard.

Any issuance or denial of a permit by the Clerk may be appealed to the Board within 30 days of issuance or denial.

4. No part of a parked vehicle may be closer than two feet (2') to any property line.

E. "Driveway" means a surface maintained for motor vehicle access and parking including those providing access from a street entrance to a garage or parking area and those used specifically for circular turnaround or circular through traffic. Driveway widths shall not exceed thirty percent of the lot width or thirty feet (30'), whichever is more. The Board may modify this standard if, owing to special conditions, a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. In the event of conflict between any determination of the Board under this section and a determination by the Eau Claire County Board of Adjustment, the most restrictive rule shall apply.

F. "Improved Surface" means a surface of bituminous paving over a base course, Portland cement concrete, brick or block designed for this use and laid over a sand base, an oiled base course or crushed rock which provides a stable, hard driving surface which resists rutting, is impervious to erosion, does not result in blowing dirt or dust, the ponding of water and which eliminates the accumulation of dust, dirt and mud.

G. Any vehicle parked in violation of this section for 48 or more consecutive hours is hereby declared an abandoned vehicle. The Chair, any Supervisor designated by the Chair, or any Deputy Sheriff who discovers such an abandoned vehicle may cause that vehicle to be removed and stored at a suitable place pursuant to the provisions of Section 342.40 of the Statutes.

H. Any person who parks a vehicle in violation of this section, any person who owns a vehicle parked in violation of this section and any person rightfully in possession of the premises where a vehicle is parked in violation of this section is guilty of a Class E offense for the first violation and guilty of a Class D offense for any violation which occurs within one year of a preceding violation. Each day a violation continues is a separate offense.

2.1-2.0545 PARKING PROHIBITED. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer, fire fighter or traffic control device, in any of the following places:

A. **CROSSWALK.** At a crosswalk at an intersection.

- B. **CENTER PARKWAY.** On the center parkway or dividing area of any divided street.
- C. **MAILBOXES.** Within five feet (5') on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from the vehicles on the roadway or street.
- D. **SIDEWALKS AND BOULEVARDS.** On or across a sidewalk or boulevard.
- E. **DRIVEWAY.** In front of a public or private driveway.
- F. **INTERSECTIONS.** Within an intersection of any street, highway or alley.
- G. **FIRE HYDRANT.** Within fifteen feet (15') of a fire hydrant.
- H. **STOP SIGN OR SIGNAL.** Within ten feet (10') upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
- I. **RAILROAD CROSSING.** Within fifty feet (50') of the nearest rail of a railroad crossing.
- J. **FIRE STATION.** In front of or blocking the entrance to any fire station.
- K. **EXCAVATIONS.** Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- L. **DOUBLE PARKING.** On the roadway or street side of any vehicles stopped or parked at the edge or curb of a street.
- M. **HAZARDOUS LOCATIONS.** When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Board may cause curbs to be painted with a yellow color and erect no parking or standing signs.
- N. **INTERSTATE HIGHWAY 94.** No person shall stop, stand or park a

vehicle, whether attended or unattended, within any fenced portion of the right-of-way of Interstate Highway 94, or on any ramps thereof or on any approaches thereto, except duly authorized construction, maintenance or emergency vehicles or vehicles present for the servicing or removing a disabled vehicle or aiding the injured. This paragraph shall not apply to any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping or temporarily leaving such disabled vehicle in such position. The driver of such disable vehicle shall, if possible, stop or push the same off the paved or improved part of the main traveled part of the right-of-way.

O. **ILLEGAL OFF-STREET PARKING.** No person shall drive, stop, stand or park a vehicle onto or upon privately owned property or in an area developed as an off street facility, without the consent of the owner, lessee or person in charge of such privately owned property or facility.

P. **OTHER.** At any place where official signs prohibit stopping or parking. (Class D - \$25.00).

2.1-2.0550 HANDICAPPED PARKING. Parking for the use of the physically handicapped is provided as follows:

A. **DESIGNATED SPACES.** The Board on public property, and others on their own property, may set aside special parking places designated only for parking motorized vehicles displaying a special identification device issued in accordance with state law.

B. **UNLAWFUL USE.** The use of parking spaces which are designed for the handicapped and which are located on public or private property by a motor vehicle not displaying such a device, or by a motor vehicle displaying such device but not being used as operator or passenger by the individual to whom the device has been issued or another individual physically handicapped to the extent described by the applicable statute, shall be in violation of the Municipal Code. (Class C - \$100.00 - \$250.00).

2.1-2.0555 NO PARKING ZONES. No person shall stop, stand or park a vehicle in any specifically designated no parking zones except when necessary to avoid conflict with other traffic conflict with other traffic or in compliance with a peace officer, fire fighter or traffic control signal. (Class D - \$25.00)

2.1-2.0560 PARKING CONTINUOUSLY IN ONE PLACE FOR MORE THAN 72 HOURS PROHIBITED. No person shall park any vehicle and permit the same to remain standing upon any public street in the Town continuously and in one place for a period of more than 72 hours. (Class D - \$25.00).

2.1-2.0562 SNOW REMOVAL.

A. Notwithstanding all other parking restrictions in this article, whenever in the opinion of the Chair or any Supervisor designated by the Chair, an emergency exists in the Town or any section or sections thereof because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomenon which would create or would likely create hazardous road conditions impeding or likely to impede the free movement or fire, health, police, emergency or other vehicular traffic or otherwise endanger the safety or welfare of the Town, the Chair or any Supervisor designated by the Chair may declare an emergency to exist for a period of 48 hours. Notice of such emergency shall be given through the media and when given shall constitute due and proper notice.

B. When in the opinion of the Chair or any Supervisor designated by the Chair such emergency conditions do exist for a period in excess of aforesaid emergency period, he or she is authorized to declare successive periods as are necessary.

C. At least two hours must elapse after first notification by the news media before the penalty provisions established and maintained for this section shall become operative.

D. During the period of time between the declaration of emergency and the end of such emergency vehicles shall not be left, stopped, parked, abandoned or otherwise unattended on any street or highway in the Town. (Class D - \$25.00)

E. The provisions of this section as they pertain to any particular snow fall or snow emergency may be terminated by declaration of the Chair or any Supervisor designated by the Chair similarly publicized and shall be deemed terminated as to any particular street involved as soon as snow has been plowed on both sides of any such street. Lawful parking may be resumed on the individual street as soon as snow plowing has been completed on the full width of such street.

2.1-2.0565 PARKING SIGNS REQUIRED. Whenever by this article or any other section of the Municipal Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets, it shall be the duty of the Town to erect and maintain or cause to be erected and maintained appropriate signs giving notice thereof and no such regulation shall become effective unless signs are erected and in place at the time of any alleged offense. When the signs are so erected giving notice thereof, no person shall disobey the restrictions or regulations stated on such sign.

2.1-2.0568 STREET MAINTENANCE. Whenever it is necessary to clear or repair a Town street or roadway or any part thereof or under other special circumstances such as the construction or maintenance of public improvements, the Town may post or cause to be posted such streets, highways or parts thereof with temporary no parking signs for a period not to exceed ten days without prior Board authorization. Such signs shall be erected at least two hours prior to the time that street maintenance or similar work is to be commenced. No person shall park a motor vehicle in violation of such sign. (Class D - \$25.00).

2.1-2.0570 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 or the property or the person in control of the property upon which such driveway is located, whether or not such driveway is posted to limit or restrict parking. (Class D - \$25.00).

2.1-2.0572 PARKING HEAVY VEHICLES PROHIBITED. Notwithstanding the provisions in this chapter for temporary vehicle embargoes, no operator of a motor truck, truck-tractor, trailer or semi-trailer or any other vehicle or combination of vehicles other than motor buses weighing more than 6,000 pounds shall park such vehicles on any street or highway other than a state trunk highway in the Town except for such time as is necessary to facilitate the loading or unloading of the vehicle. (Class D - \$25.00).

A. The Board finds that the parking of vehicles over 6,000 pounds in gross weight and not used exclusively for personal use, constitutes a nuisance in residential districts in the Town.

B. No person may park, or leave standing, any motor vehicle having a gross weight of 6,000 pounds or more, unless used or licensed only for personal use, on any town road or street or on any private property within the Town in an area zoned residential other than RH, by Eau Claire County.

C. Any such vehicle left in an area described in Paragraph B above and not occupied by its driver is hereby declared to be parked in violation of this ordinance unless the same is being actively and diligently loaded or unloaded.

2.1-2.0574 UNLAWFUL REMOVING OF PARKING NOTICES AND CITATIONS. No person other than the owner or operator thereof, shall remove a Town parking violation notice, warning or citation from a motor vehicle. (Class D - \$25.00).

2.1-2.0575 ABANDONMENT OF VEHICLES PROHIBITED. No person shall abandon any vehicle unattended within the Town for such time and under

such circumstances as to cause the vehicle to reasonably appear to be abandoned. (Class D - \$25.00).

2.1-2.0578 PRESUMPTION OF ABANDONMENT. Any vehicle left unattended for more than 72 hours on any public street or ground or on private property where parking is prohibited, limited or restricted, without the permission of the owner or lessee or person in control of the property, is deemed abandoned and constitutes a public nuisance provided that the vehicle shall not be deemed abandoned under this section if left unattended on private property out of view and by permission or lessee or person in control of the property.

2.1-2.0580 ABANDONMENT EXCEPTIONS. This section shall not apply to a vehicle in an enclosed building, a vehicle in an appropriate storage place or a depository maintained in a lawful place and manner properly authorized or a vehicle parked in a parking space for which a fee has been paid.

2.1-2.0582 REMOVAL AND ABANDONMENT OR SALE. Any vehicle found abandoned in violation of this article shall be impounded by the Chair or any Supervisor designated by the Chair on behalf of the Town until lawfully claimed or disposed of as provided for in this article. If the Chair or any Supervisor designated by the Chair determines that towing costs and storage charges for the minimum impoundment period would exceed the value of the vehicle, the vehicle may be junked or sold prior to the expiration of the impoundment and upon determination by the Chair or any Supervisor designated by the Chair that the vehicle is not wanted for evidence or any other reason, provided that vehicles in excess of 19 model years of age shall be sold or disposed of only by auction sale or sealed bid.

2.1-2.0585 NOTICE TO OWNER OF IMPOUNDMENT. The official removing or causing the removal of any vehicle on behalf of the Town found in violation of this article shall within ten days thereafter notify the owner and all lienholders of record, by certified mail, of the impoundment and of their right to reclaim the vehicle. The notice shall set forth the information contained in Section 342.40(3) of the Wisconsin Statutes and shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle shall be deemed a waiver of all rights, title and interest in the vehicle and a consent to the sale of the vehicle.

2.1-2.0588 SALE OF IMPOUNDED VEHICLE. Each retained vehicle not reclaimed by the owner or a lienholder pursuant to law may be disposed of by sealed bid or auction sale as provided in Section 342.40(3) of the Statutes.

2.1-2.0590 SALE TO BAR CLAIMS AGAINST VEHICLE. The sale of a motor vehicle under the provisions of this article shall forever bar prior claims thereto and interest therein except as hereinafter provided.

2.1-2.0592 PURCHASER TO REMOVE VEHICLE. The purchaser of any vehicle on sealed bid or auction sale under this article shall have ten days to remove the vehicle from the storage area or storage firm upon payment of a storage fee to be determined by the firm storing the vehicle. Ten 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.

2.1-2.0594 NOTICE TO THE DEPARTMENT OF TRANSPORTATION. Within five days after the sale or disposition of a vehicle under this article, the Clerk shall advise the State Department of Transportation of such sale or disposition on a form supplied by said Department.

2.1-2.0595 OWNER MAY FILE CLAIM TO ABANDONED VEHICLE. At any time within two years of the sale of a motor vehicle as provided in this article, any person claiming ownership of such vehicle or financial interest therein, may present a claim to the Board setting forth such facts as are necessary to establish such ownership or interest and that the failure of the claimant to reclaim the vehicle prior to sale was not the result of the neglect or fault of the claimant. If the Board is satisfied as to the justice of the claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the Town treasury as a result of the sale of such motor vehicle nor the amount of interest of the claimant therein.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 6 - ALL TERRAIN VEHICLES AND SNOWMOBILES**

2.1-2.0605 ADOPTION OF ORDINANCE. The Board, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in specific sections of this ordinance and has established by these sections and this ordinance the management of the affairs of the Town.

2.1-2.0610 STATE STATUES ADOPTED. Except as specifically noted otherwise in this ordinance, Chapters 350 and 23 State Stats. (2009-2010) describing and defining regulations with respect to “all terrain vehicles” and “snowmobiles” are hereby adopted and incorporated by reference by the Town and made part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above noted statutory chapters shall be incorporated herein and made part of this ordinance.

2.1-2.0615 DEFINITIONS IN THIS CHAPTER.

A. “All Terrain Vehicle” means a motor driven vehicle designed primarily for use off the road and able to be operated upon land, snow or water and usually equipped with flotation tires or tracks.

B. “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately but not to all such roadways collectively.

C. “Highway” means all public ways and thoroughfares and bridges on every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forest which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in State Stat. 115.01 (1) and institutions under the jurisdiction of the County Board of Supervisors, but does not include private roads or driveways as defined in State Stats 340.01 (46)

D. “Snowmobile” means any engine driven vehicle of a type which utilizes sled type runners, or skis, or and endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of four horsepower or less and operated only on private property.

E. "Operator" means a person who operates or is in actual control of his or her off road motor driven cycle, all terrain vehicles or snowmobile.

F. "Operate" means to control the operation of an off road motor driven cycle, all terrain vehicle or snowmobile.

2.1-2.0620 REGULATIONS-CYCLE, ALL TERRAIN VEHICLE, SNOWMOBILE.

A. No person shall operate an off road cycle, all terrain vehicle, or snowmobile on the private property of another without the written permission of the property owner, with that permission to be carried on the person of the operator.

B. No owner or other person having charge or control of an off road motor driven cycle, all terrain vehicle or snowmobile shall knowingly authorize or permit any person to operate such vehicle who is incapable by reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

C. The operation of off road motor driven cycles, all terrain vehicles or snowmobiles in public parks, or property owned by the Town is prohibited without the written permission of the Chair. Other governmental bodies having control of land in the Town may place reasonable conditions or restrictions on such operation.

D. No person shall operate an off road motor driven cycle, all terrain vehicle, or snowmobile in such a manner as to constitute a violation of the Town's "Public Nuisance Ordinance" (3.01.030)

E. It shall be a violation of this ordinance for any person to operate an off road motor driven cycle, all terrain vehicle or snowmobile upon any highway within the Town except in the specific manner set forth in 2.1-2.0625 of this ordinance of the Town.

2.1-2.0625 HIGHWAY USE PERMISSION GRANTED. The operation of off road motor driven cycles, all terrain vehicles or snowmobiles will be permitted upon specific highways within the Town under the following conditions:

A. All off road motor driven cycles, and terrain vehicles and snowmobiles will be operated at the extreme edge of the highway, wherever the embankment does not permit safe and level use the operator may operate the cycle, all terrain vehicle or snowmobile as close to the embankment as possible

without endangering his/her safety.

B. Whenever crossing a roadway the operator must stop and proceed with caution.

C. No highway will be used for off road motor driven cycles, all terrain vehicles or snowmobiles unless the Board specifically designates the highway as a trail or route in this chapter.

D. All rules of the highway will be obeyed as defined in Town Ordinance 2.1-2.0105 and 2.1-2.0610 in reference to State Stats. (2009-2010)

E. No roadway will be permitted to be used as a trail, or route except for crossing as allowed by this ordinance, any person crossing a roadway must remove himself/herself from the seat of the off road motor driven cycle, all terrain vehicle or snowmobile and walk the machine across the roadway.

2.1-2.0630 HIGHWAY-DESIGNATED AS TRAILS OR ROUTES. The following highways or parts of highways thereof are designated as trails or routes for either off road motor driven cycles, all terrain vehicles or snowmobiles.

A. **OFF ROAD MOTOR DRIVEN CYCLES.**

1. None

B. **ALL TERRAIN VEHICLES.**

1. None

C. **SNOWMOBILES.**

1. None

2.1-2.0635 ENFORCEMENT OF ORDINANCE. The Eau Claire County Sheriff department or a designee of the Board shall be the enforcement authority for provisions of this ordinance. It is unlawful for any person, to refuse or fail to comply with any lawful order, signal or direction of an officer of the Eau Claire County Sheriffs Department or the designee of the Board.

2.1-2.0640 ORDINANCE FILED. The Clerk shall file a copy of this ordinance upon passage and posting as required by WI Stats., with the Wisconsin Department of Natural Resources and Eau Claire County Sheriffs Department.

2.1-2.0645 VIOLATION-PENALTY. Any person in violation of any of the provisions of this chapter will forfeit not less than \$25.00 dollars nor more than \$100.00 and the cost of prosecution for each offense and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until the payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - ANIMAL CONTROL
ARTICLE 1 - ANIMAL CONTROL REGULATIONS**

2.1-3.0105 PURPOSE. The purpose of this chapter is to promote humane treatment of all animals and to reduce the hazard, nuisances and conflicts created by irresponsible pet ownership and to promote effective enforcement of pet licensing requirements.

2.1-3.0110 APPLICABILITY. This ordinance applies to all animals within the Town.

2.1-3.0120 DEFINITIONS. The following terms used in this ordinance mean:

A. "Additional license fee" means that part of a dog license fee determined by the Town Board and which is added to the base license fee established by Wisconsin Statute.

B. "Altered Male" means any male animal that has been surgically permanently altered to prevent the production or ejaculation of sperm. prevent it from procreating.

C. "Animal" means any living vertebrate, domestic or wild, except a human being.

D. "Animal Control Officer" means the Constable, any person so designated by the State of Wisconsin, a humane officer duly appointed pursuant to §173.03, Stats., or any person authorized by the Town Code of Ordinances or by the Town Board to perform any of the duties, or exercise any of the powers, of an animal control officer under this Article.

E. "Animal Shelter" means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a year, that is operated by a humane society, humane association, animal welfare society, animal rescue group, or other nonprofit group, and is licensed or otherwise recognized as a humane society by the municipality in which it is located.

F. "Article" or "this Article" means TITLE 2, DIVISION 1, CHAPTER 3, ARTICLE 1 of the Town of Union Municipal Code.

G. "Auction" means an event where dogs or cats are bought, sold, and traded. This section does not apply to individual sales of animals by owners at the residence of the owner or the buyer.

H. "Bite" means to seize with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or had the skin pierced.

I. "Business Organization" includes any partnership, corporation, cooperative, unincorporated organization, limited liability company, limited liability partnership, or limited partnership, or similar organization, without regard to whether the organization is organized for profit, not for profit, exempt from income taxes, or for any purpose whatsoever.

J. "Cattery" means a Commercial Animal Establishment where a person, group of persons, or business organization engages in the keeping of cats, or the business of breeding, buying, selling or boarding cats.

K. "Circus" means a commercial variety show featuring animal acts for public entertainment.

L. "Commercial Animal Establishment" means any animal shelter, pet show, grooming shop, pet shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, kennel, or cattery.

M. "Confined" means the restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure, away from other animals and the public.

N. "Current Rabies Vaccination Certificate" means a certificate describing the animal by color, age and breed, stating whether the animal has been spayed or neutered, naming the owner, recording vaccination tag number, and recording the expiration date of the rabies vaccine licensed by the U. S. Department of Agriculture used, dated and signed by a licensed veterinarian, which indicates that the described animal has been immunized against rabies and that the immunization has not expired.

O. "Dangerous Dog" means any dog which on two separate occasions within a 36 month period, engages in any unprovoked behavior which requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog or any dog which on two separate occasions within a 36 month period, without provocation, has killed, bitten, inflicted injury or otherwise caused injury to a domestic or farm animal off the property of the owner or keeper of the dog.

P. "Disinfect" means to destroy infectious or disease producing microorganisms or agents.

Q. "Domesticated or domestic animal" means an animal which lives in an environment provided by humans and includes pets but not farm animals.

R. "Educational or scientific purposes" means only those dogs used for at least one of those purposes and kept by the Eau Claire Area School District, a college or university accredited by the North Central Association of Colleges and Schools, or a business organization licensed by the U.S. Food and Drug Administration to manufacture medicines or drugs.

S. "Farm" means land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products in an agricultural zoning district.

T. "Farm Animal" means an animal commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, domestic fowl, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, alpacas, bison, and mules.

U. "Farm Operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products within an agricultural zoning district.

V. "Grooming Shop" means a Commercial Animal Establishment where animals are bathed, clipped, plucked, or otherwise groomed.

W. "Harbor" means to feed or shelter an animal for more than 72 hours.

X. "Humane Officer" means a person duly appointed the Humane Officer of a municipality pursuant to §173.03, Wis. Stats., and certified pursuant to §173.03, Wis. Stats. who is authorized to act within the Town.

Y. "Humane Society" means The Eau Claire County Humane Association and any business organization proclaiming itself to be a humane society, animal welfare society, or animal rescue group organized at least in part for the prevention of cruelty to animals and that is licensed or otherwise

recognized as a humane society by the municipality in which it is located .

Z. "Keep" means to harbor and exercise some degree of control or management of an animal.

AA. "Kennel" means a Commercial Animal Establishment wherein a person, group of persons, or business organization is engaged in the business of boarding, breeding (two or more litters of pups per year), buying, letting for hire, training for a fee, or selling dogs.

BB. "Leash" means a cord, rope, strap, chain or training lead which shall be securely fastened to a dog, cat or other animal and shall be of sufficient strength to keep such dog, cat or other animal under control.

CC. "License Fee" shall be the cost of a license as determined by the Board, and, with respect to dog licenses, is synonymous with "dog license tax" as used in Chapter 174, Stats.

DD. "Neutered Male" means any altered male.

EE. "Owner" means any person, group of persons, or business organization or adult member of a household which owns, keeps or harbors one or more animals.

FF. "Performing Animal Exhibition" means any spectacle, display, act or event other than circuses, in which performing animals are used.

GG. "Pet" means any animal kept for pleasure rather than utility.

HH. "Pet Shop" means a Commercial Animal Establishment, except for a licensed kennel or cattery, that buys, sells, or boards any species of animals intended to be a pet.

II. "Public Nuisance" with respect to an animal means any animal or animals which:

1. Molests passersby or passing vehicles;
2. Attacks other animals;
3. Is repeatedly at large;
4. Damages private or public property; or
5. Barks, whines, howls, or makes other sounds common to its species in an excessive, continuous or disruptive fashion.

JJ. "Restraint" means physically confined on the premises of its owner, or restrained by a leash held by a responsible person capable of controlling said animal.

KK. "Service animal" means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

LL. "Severe Injury" means any Physical injury that results in muscle tears or disfiguring lacerations or requires ~~multiple~~ sutures or corrective or cosmetic surgery.

MM. "Spayed Female" means any female animal, which has been surgically permanently altered to prevent conception.

NN. "Stats." means the current edition of the Wisconsin Statutes.

OO. "Veterinary Hospital" means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of disease and injuries of animals.

PP. "Vicious Animal" means any animal or animals that constitute a physical threat to human beings or other animals.

QQ. "Vicious Dog" means any dog which, when unprovoked, in an

aggressive manner, inflicts severe injury on or kills a human being or any dog previously determined to be vicious by the Town or any other jurisdiction.

RR. "Wild Animal" means any animal which is not a pet or a farm animal.

SS. "Zoological Park" means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, Business Organization, or government agency.

2.1-3.0125 LICENSE, FEES; REQUIRED.

A. No person shall own, harbor, or keep any dog over the age of five months within the Town without first obtaining a license from the Town.

B. The license fees shall be as stated in the Fee Schedule appended to the Municipal Code and amended from time to time. When establishing the license fee, the Board shall establish an additional license fee which shall not exceed the result achieved by determining the total cost of all dog licensing, regulating and impounding activities for the previous year and dividing that amount by the total of dog licenses issued that year. License fees shall not exceed: (1) \$3 plus the additional license fee for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, (2) \$8 plus the additional license fee for an unneutered male dog or unspayed female dog or (3) for a multiple dog license, \$36 for 12 or fewer multiple license tags, an additional \$3 for each multiple license tag in excess of 12, plus the additional license fee for each multiple license tag issued. The license fee shall be one-half of these amounts for a dog which became 5 months of age after July 1 of the license year.

C. The license year shall commence on January 1st and shall end on the following December 31st. Licenses, except multiple dog license tags, shall not be transferable. License fees shall not be refundable nor prorated, except as provided in Paragraph B, above.

D. Application for such license shall be made on or before January 30 of the current license year, or within 30 days of acquiring a licensable dog, whichever is later.

E. A late fee set in the Town Fee Schedule shall be assessed and collected from every owner of a dog five months of age or over, if the owner failed to obtain a license on or before the date required by this Article, except that no late fees shall be imposed upon applications received between January 1 and April 1, in accordance with §174.05, Stats.

F. The appropriate fee and a current rabies vaccination certificate shall accompany the application.

G. **EXCEPTION.** Licenses shall be issued without charge for dogs kept only for educational or scientific purposes, service animals, or dogs used by a law enforcement agency.

2.1-3.0130 LICENSE TAGS.

A. Upon receipt of the License application form, current rabies vaccination certificate and fee, the Treasurer shall issue a tag that shall be attached to the collar of such licensed dog.

B. No person shall, negligently or otherwise, permit any dog five months of age or older to be untagged. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever

the dog is outdoors, unless the dog is securely confined in a fenced area.

C. No person other than the owner or an animal control officer acting on behalf of the Town, in the line of duty shall remove the license tag from the dog.

2.1-3.0135 RUNNING AT LARGE.

A. It is unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the Town. Any animal found at large shall be conclusively presumed to be so with the permission of its owner or keeper. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

B. Except as provided in subsections C. And D., below, all dogs, cats or other animals shall be kept on a leash by the person or persons accompanying the animal at all times when off the premises of their owner.

C. Dogs, cats and other domestic animals shall not be considered running at large when a property owner other than the animal's owner has given permission for the animal to be present on his or her property

D. Dogs used for hunting purposes on public or private lands shall not be considered running at large if the dog owner is present and has the dog under his or her control by voice or whistle command.

E. No dog or cat owner shall allow his or her pet to pursue deer or other wild animals except as permitted by Wisconsin statute.

2.1-3.0140 CARE OF DOGS AND DOMESTICATED ANIMALS.

A. All dogs and domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood.

B. No domestic animal shall be abandoned or turned loose by its owner.

C. No animal shall be inhumanely confined in a manner, which causes or is likely to cause pain, suffering, injury or death.

D. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to said animals, such act shall be deemed cruelty to animals and such animals may be impounded, pursuant to section 2.1-3.0175, by the Animal Control Officer.

E. No owner shall fail to provide his or her animals with sufficient good and wholesome food and water, adequate shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

F. No person shall beat, cruelly ill treat, torment, or otherwise abuse any animal.

G. No person may expose any domestic animal to any known poison or controlled substance whether mixed with meat or other food or not, so that the substance may be consumed by the animal. This section shall not apply to poison used on one's own premises for the purpose of rodent or pest extermination nor to the use of controlled substances in bona fide experiments carried on for scientific research by a licensee under §169.,25, Stats., or in accepted veterinary practices, or to substances prescribed by a licensed veterinarian.

H. No person may own, possess, keep or train any animal with the

intent that the animal be engaged in an exhibition of fighting.

I. No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans.

J. The owner of any animal which is kept outdoors or in an unheated enclosure shall provide such animal with an adequate shelter and suitable bedding material.

K. The owner of any animal which is kept outdoors shall provide shade from the direct rays of the sun during the months of May through September, inclusive.

L. No person shall injure, destroy or attempt to injure or destroy, any kind of wild animal or bird except as permitted by Wisconsin Statute.

2.1-3.0145 ANNOYANCES. No Person shall:

A. Harbor or keep any dog or any other animal, which is a public nuisance.

B. Fail to maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.

C. Fail to keep a dog or animal confined on his own premises or under his immediate control.

D. Fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

E. Allow an animal to soil, defile, or defecate on any private or public property. The person responsible for, or walking, such animal must immediately remove and dispose of all feces so deposited in a sanitary manner except this subsection shall not apply to disabled persons accompanied by a certified service animal.

F. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

G. **EXCEPTION.** Farms, Farm Animals and Farm Operations shall not be found to be an annoyance or nuisance under this ordinance.

2.1-3.0150 ANIMALS AND SPECIES PROHIBITED. Animals of the species or classifications named in this section are hereby declared to be a nuisance within the Town and may not be kept by any person:

A. Poisonous snakes,

B. Poisonous reptiles,

C. Poisonous fish,

D. Electric eels,

E. Alligators and crocodiles.

F. Cougars, wild cats, lions or mountain lions

G. Bears, unless kept by a licensed wildlife rehabilitator or the owner has a current DNR permit to do so, and the owner has, by January 30 of each calendar year, displayed the original permit to the Town Clerk and provided the Town Clerk with an exact copy of such permit.

H. Any primate, except homo sapiens

2.1-3.0150 LIMITATION ON NUMBER OF DOGS OR CATS. There is no limit on the number of dogs or cats kept at a property address, but the Board may limit the number of dogs or cats at the premises identified by a given property

address if the Board finds that there have been two or more violations of this Article or of violating any section of Chapter 951, Stats, by persons at the property address within a period of 365 days, or that the persons at the property address have failed to care for the animals at those premises in a humane manner as prescribed in this chapter. If the Board limits the number of dogs or cats the animal owner will have two weeks to find a new home for the excess animals; upon failure to reduce the number of dogs or cats as directed by the Board, all the animals at that address shall be impounded pursuant to section 2.1-3.0175.

2.1-3.0155 COMMERCIAL ANIMAL ESTABLISHMENT.

A. No person, group of persons, or business organization shall operate a Commercial Animal Establishment without first obtaining the appropriate license in compliance with this section, which shall be publicly displayed at the establishment.

B. Every facility and every activity regulated by this ordinance shall be considered a separate enterprise and requires an individual permit.

C. The licensee of any Commercial Animal Establishment License shall comply with all legal requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Town may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

D. Upon a showing by an applicant for a license to the Town Clerk or the Town Board Chairperson that the proposed licensed premises meets the current zoning requirements, that the applicant and the applicant's facility will comply with this Article, and after an Animal Control Officer has filed with the Town Clerk a satisfactory inspection report, a permit may be issued by the Board upon payment of the applicable fee as listed in the fee schedule at the end of this code. The Board may refuse to issue such a permit for good cause shown, including but not limited to the grounds stated in 2.1-3.0197 A.

E. The license period for each calendar year shall be from January 1 through December 31. Renewal applications for permits shall be made during December and January.

F. Each commercial establishment shall be inspected by an Animal Control Officer after any application for an original or renewal Commercial Animal Establishment has been presented to the Town Clerk but before such license is issued. A written report of such inspections shall be filed with the Town Clerk. By accepting a Commercial Animal Establishment license, the licensee consents to at least one additional announced or unannounced inspection of the facility during the license year. Failure to permit and facilitate any inspection called for in this Article shall be sufficient grounds for revocation of the Commercial Animal Establishment license.

G. A Commercial Animal Establishment license is not transferrable.

H. Commercial Animal Establishments are subject to all provisions of this ordinance.

I. The annual license fee for each commercial animal establishment license shall be as stated in the Fee Schedule at the end of this code.

J. **EXCEPTION TO FEE.** No fee may be required of any animal shelter operated by, or under contract with, the Eau Claire County Humane Association, a government operated zoological park or licensed Veterinary

Clinic.

2.1-3.0160 DOG OR CAT AUCTION LICENSE.

A. Each licensee shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a license.

B. A dog or cat Auction License shall be valid for not more than two consecutive days and shall be publicly displayed at the licensed auction. Application for this license shall be made at least 30 days prior to the Auction.

C. One or more days before the auction, each seller of each dog or cat offered for sale shall provide the Town Clerk the following information:

1. The seller's, and if different, the breeders name, physical address [street address, post office, state, & zip code (No PO Boxes)].
2. Dog or cat's size, breed, and color and date of birth.
3. A certificate of good health from a licensed veterinarian, including the health history, immunization record, and the name, address and telephone number of the Veterinarian. This information shall be current to within seven days of the sale.

D. Within ten days of any auction, the auction licensee shall furnish the Town Clerk a description of each dog or cat sold, the name of the seller of that dog or cat, and the name, physical address (street address (No PO Boxes), post office, state, & zip code of the buyer of each such dog.

E. No person shall interfere with or provide false information to the Town or Animal Control Officer or other official during the license process or Auction site inspection.

F. Only healthy animals may be sold at auction.

G. The animal control officer shall conduct a site inspection the day of the auction prior to the start of the sale. The auction license shall be revoked when two or more citations have been issued for violations of this ordinance at the auction facility on the date of the auction.

2.1-3.0165 KENNEL OR CATTERY LICENSE.

A. Each licensee shall, in addition to the other requirements of this ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a Commercial Animal Establishment license.

B. STANDARDS.

1. Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

2. Building temperature shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.

3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of the cage or enclosure, and without touching litter or feces.

4. Cages are to be of material and construction that permits cleaning and sanitizing (stainless steel or fiberglass preferred).

5. Runs shall provide an adequate exercise area and protection from the weather. Runs and side walls to a minimum height of four feet (4') shall have an impervious surface to allow for cleaning, disinfecting

and odor control.

6. All animals must be quartered in a shelter which will protect the animal from rain, snow, wind, and direct sunlight, and all animal quarters and runs are to be kept clean, dry and in a sanitary condition.

7. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of animal.

8. All animals shall have potable water available at all times.

C. No dog or cat shall be accepted for boarding, grooming or training unless the licensee has on file a Current Rabies Vaccination Certificate for the animal.

D. Any animal that appears to be ill shall be promptly examined by a veterinarian of the owner's choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.

E. In the event an animal dies while being boarded or while in training, the body shall be handled in one of the following ways:

1. The body shall be preserved by refrigeration or freezing until examined or returned to the owner. The body is to be held for at least one week after the time the owners are scheduled to return, after which the body may be disposed of in compliance with this ordinance.

2. The body shall be submitted to a licensed veterinarian who shall perform a necropsy at the kennel operator's expense, unless prior agreement has been made for payment of such services by the owner. A copy of the necropsy report is to be given to the owner.

F. Animals shall not be group-housed at any time, unless they are owned by the same person and are compatible.

G. If the owners of animals do not appear or contact the kennel or cattery operator within seven days of their stated return time, the operator may surrender the animal to the animal Control Officer for impoundment.

H. Boarding Records shall be maintained for a period of 12 months. The record shall state the owner's name, address and telephone number, expected duration of the stay, service to be provided, and owner's agent for emergency contacts.

2.1-3.0170 GROOMING SHOP LICENSE.

A. Each licensee shall comply with all provisions of this Article and in addition thereto, any specific Town, County, or State regulations relating to grooming care.

B. Each licensee shall maintain its premises in a clean and sanitary condition and must provide cages for each animal on the premises.

2.1-3.0172 ANIMAL SHELTER LICENSE

Each licensee shall operate the establishment so as to comply with all requirements for a Commercial Animal Establishment, and all requirements enumerated in **2.1-3.0165 B.**

2.1-3.0175 IMPOUNDMENT OF ANIMALS.

A. Any animal taken by the Animal Control Officer and impounded, or otherwise impounded, shall be confined in an animal shelter in a humane manner. An impounded animal shall be kept for not less than seven days unless it is claimed by the owner. If by a license tag or other means, the owner

can be identified, the shelter manager shall, within 48 hours, Sundays and Holidays excepted, notify the owner by telephone or mail, of the impoundment of the animal.

B. Animals not claimed by their owners after the seven days, shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, may be humanely euthanized by the Shelter Manager, or by an agency delegated by the Humane Society to exercise that authority.

C. The owner of any animal which has been impounded pursuant to this Article shall pay the Humane Society's impoundment fees for that animal in order to regain possession of their animal. This fee shall be set by the Humane Society, with the approval of the Town and shall cover all costs involved in the pick-up and impounding of said animal. Impoundment fees include all services provided in connection with impounding an animal, including, but not limited to, pick-up fees, boarding, veterinary care, necropsy, or destruction. Impoundment fees must be paid by the owner of the animal, without regard to whether the animal is retrieved by the owner, dies while impounded, is abandoned by the owner. Failure to pay said fees when due is a violation of this ordinance.

2.1-3.0180 ANIMAL BITES.

A. The owner of any dog, cat or other animal which has bitten any person or other animal shall, upon demand of the Animal Control Officer, Sheriff's Department or Health Department, produce and surrender up such dog, cat or other animal to such department to be held in quarantine for a minimum of ten days. During quarantine the animal shall be securely confined and kept from contact with any other animal.

B. An animal described in paragraph A., above, for which there is no Current Rabies Vaccination Certificate must be quarantined at the owner's expense at the Animal Shelter or at a veterinary hospital of the owner's choice for a minimum period of ten days.

C. An animal described in paragraph A., above, for which there is a Current Rabies Vaccination Certificate may, at the discretion of the Animal Control Officer, Sheriff Department or the Health Department, be held in quarantine on the premises of the owner for a minimum period of ten days. Failure on the part of the owner to obey all conditions and directions of the Animal Control Officer, Sheriff and the Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in a veterinary hospital for the remainder of the quarantine period.

D. No person shall fail to produce and surrender up any animal for quarantine pursuant to this section.

2.1-3.0185 DANGEROUS AND VICIOUS DOGS.

A. No person shall own, harbor, keep or maintain any dangerous or vicious dog in the Town.

B. No person shall bring into the Town, any dog which has been deemed vicious or dangerous in another jurisdiction or any dog ordered removed from another jurisdiction.

C. No person shall interfere with, or provide false information to the Animal Control Officer or other official during the investigation or capture of a

dangerous or vicious dog

D. An Animal Control Officer may impound any dog suspected of being dangerous or vicious, for a period not to exceed 30 days or order the dog to be removed from the Town.

E. Upon receipt of a written order to remove a dangerous or vicious dog from an Animal Control Officer, the owner shall confine the animal immediately if it is not impounded and comply with the removal order within seven days.

F. An Animal Control Officer may destroy, or arrange for the destruction of, a vicious dog with the consent of the dog owner or begin the process to have the dog destroyed per pursuant to §174.02(3), Stats.

G. All orders of the Town shall be in writing and promptly served upon the owner or mailed to the owner by Certified Mail at the owner's last known address

H. **EXEMPTION.** The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes

2.1-3.0190 MAD, VICIOUS, SUSPICION OF RABIES – QUARANTINE AND DESTRUCTION.

A. No person shall harbor or keep any animal infected with rabies, or any animal bitten by a rabid animal. No person shall fail to report to the Animal Control Officer, Sheriff and the Health Department the existence of an animal which is so infected. It shall be a defense to a charge of violating this paragraph if the person did not know, and did not have reasonable cause to believe, that the animal was infected with rabies or had been bitten by an animal infected with rabies.

B. In all cases hereunder, if any dog, cat, or other domestic animal is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the Town authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or other domestic animal.

C. Any dog, cat, or other domestic animal which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or other domestic animal shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the health department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or other domestic animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or other domestic animal which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or other domestic animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his

or her determination or findings thereof in writing to the health department.

E. Any domesticated wild animal that has bitten any person, including, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person, other than the Animal Control Officer or a Law Enforcement Officer, shall kill or cause to be killed, any domesticated animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

2.1-3.0195 VACCINATION OF DOGS AND CATS.

A. The owner of a dog or cat shall have the animal vaccinated for rabies by a licensed veterinarian on or before the date the animal reaches five months of age.

B. An owner who imports an animal into Eau Claire County that has reached five months of age must have a Current Rabies Vaccination Certificate for the animal.

C. The owner of a dog or cat shall have the animal vaccinated for rabies:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate; or
3. Within three years after the previous vaccination, if no date is specified on the certificate.

2.1-3.0197 REVOCATION OF COMMERCIAL ANIMAL ESTABLISHMENT LICENSE

A. If a Commercial Animal Establishment licensee is found guilty in Circuit Court for Eau Claire County, Wisconsin, of violating any provision of this Article or of violating any section of Chapter 951, Stats, an animal control officer may commence revocation proceedings under this section. If any animal control officer has probable cause to believe that a person who holds any Commercial Animal Establishment license has violated any provision of this Article, that animal control officer may commence revocation proceedings under

this section.

B. Revocation proceedings are commenced by filing with the Clerk an allegation that a licensee has been convicted of violating this article, or that there is probable cause to believe that a licensee has violated any provision of this Article, along with a written exposition of the basis for the allegation. If the Clerk determines that the written exposition, if uncontested, contains probable cause to believe that this Article has been violated by the licensee, the Clerk shall schedule a public hearing before the Board to determine whether the license should be revoked and mail a copy of the notice of hearing and the allegation and exposition to the licensee. The hearing may be scheduled no sooner than 15 days after the notice

C. The hearing shall be held in public, be recorded by electronic or stenographic means, and shall be presided over by the Chair. The reporting animal control officer shall present his or her testimony and evidence to the Board, and may be assisted by an attorney who shall be compensated for that service by the Town. The licensee may present any testimony and evidence to the Board, and may be assisted by an attorney.

D. After the hearing, the Board by a majority vote, shall make findings as to whether any provision of this Article or of any section of Chapter 951, Stats, has been violated by the licensee. If the Board finds such a violation, it shall determine whether the license shall be revoked, suspended, or restricted. The licensee shall be notified within ten days in writing of the Board decision.

E. The proceedings of the hearing, including detailed findings of fact and conclusions of law, and the decision of the Board shall be in writing and entered as a matter of public record in the office of the Clerk. Such record shall also include a copy of every notice and order issued in connection with the case. In addition, the Board may employ a person capable of producing a verbatim transcript of the proceeding.

F. Appeal. A person aggrieved by any decision of the Board made under this Article, may, within 30 days after the filing of the decision in the office of the Clerk, commence an action seeking the remedy available by certiorari. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

2.1-3.0198 ENFORCEMENT, PENALTIES AND FEES.

A. The Animal Control Officer or any person designated by the State of Wisconsin, a municipal government, a humane society or any person authorized by the Town is authorized to enforce the provisions of this ordinance

B. The penalty for violation of any portion of this Article shall be a forfeiture of not less than \$100 or more than \$250 plus the cost of prosecution.

C. Any person who violates any part of this article more than two times in any calendar year shall forfeit an amount double the deposit set forth in Subsection (B), above.

D. Each day that any violation of this ordinance continues shall be deemed a separate offense.

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**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 4 - BUILDING CONSTRUCTION
ARTICLE 1 - BUILDING CODE**

2.1-4.0105 STATE STATUES ADOPTED. This article is adopted pursuant to Sections 101.65 and 101.76 Wis. Stats, and includes all acts amendatory thereof and supplementary thereto relative to one and two family dwellings and outbuilding construction, restructuring, remodeling or tearing down are adopted as a portion of this chapter as far as possible, exclusive of the penalty provisions therein provided for which the penalties provided in this chapter of the Municipal Ordinance shall be substituted, and except as otherwise lawfully provided by the Town Ordinance.

2.1-4.0110 ADOPTION OF STATE CODE. That Wisconsin Administrative Code Chapters COMM 20 - 25, The Wisconsin Uniform Dwelling Code as of January 1, 2011, with all amendments and provisions is adopted as part of this ordinance with all changes past, present and future and all amendments thereof.

2.1-4.0115 BUILDING INSPECTORS. That all Town Building Inspectors as certified by the Wisconsin Department of Commerce and appointed by the Board are hereby authorized and directed to administer and enforce all of the provisions of the State Uniform Dwelling Code.

2.1-4.0120 BUILDING PERMIT REQUIRED. No person, firm, corporation or partnership shall build, restructure, remodel, or tear down any one or two family dwellings or out buildings without first obtaining a building permit for such building from the Clerk as granted by the Board or from the Town Building Inspector. Such building permit shall be furnished by the Town in accordance with this ordinance.

2.1-4.0125 BUILDING PERMIT FEE. That before receiving a building permit, the person, firm, corporation or partnership shall pay the fees listed in the Fee Schedule at the end of this code.

2.1-4.0130 LOT SIZE, SETBACKS AND DISTANCE FROM LOT LINE. Except as permitted in the Subdivision Code, lot size for new one and two family residential buildings shall be a minimum of one and one half (1 ½) acres in size with the frontage not less than one hundred feet (100'). Buildings must be set back from any state, county, federal or town road right-of-way a minimum of thirty feet (30') unless otherwise controlled by the state or the county. No new one or two family building or other structure or remodeled building shall be built within ten feet (10') of any lot line unless otherwise approved by the Board.

2.1-4.0135 LIQUID WASTE SEPTIC SYSTEM. All new one or two family residential buildings shall have approved a primary and a secondary liquid waste septic system equal to or exceeding that required by the State of Wisconsin prior to building permit being issued.

2.1-4.0140 MANUFACTURED HOMES. As defined in Wis Stats, Chapter 101.91 (2) (a) and (b) as they relate to Chapters 101.90 to 101.96 shall be granted a permit as a one or two family dwelling when all other sections relevant to this ordinance are satisfied with exception to those sections or parts of sections which refer to the State Uniform Dwelling Code (IND 20, 21, 22, 23, 24, 25).

2.1-4.0145 PERMIT-DISPLAY ON PREMISES. Every person in accordance with the provisions of this section shall immediately post such permit and keep the same posted while in force in a conspicuous place on the grounds where it can be easily seen from the car passing upon a roadway. It is considered a violation of this ordinance for anyone to knowingly deface, alter or destroy such permit. Whenever a permit shall be lost or destroyed a duplicate permit in lieu thereof under the original application may be issued by the Clerk or Building Inspector when satisfied as to the facts relating thereto.

2.1-4.0150 REVOCATION AND SUSPENSION OF PERMIT. The Clerk by order of the Board or the Town Building Inspector may revoke or suspend any permit issued under this ordinance for violation of any section of this ordinance or for violation of any provisions of the State Uniform Dwelling Code.

2.1-4.0155 PENALTY. Any person violating any of the provisions of this chapter shall forfeit not less than \$100.00 nor more than \$250.00 and the cost of prosecution for each offense and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until the payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 4 - BUILDING CONSTRUCTION
ARTICLE 2 - HOUSING CODE**

2.1-4.0205 INTERPRETATION. The general provisions of Sections 2.1-4.0210 through 2.1-4.0230 shall apply in the interpretation and enforcement of the ordinance codified in this chapter.

2.1-4.0210 DECLARATION OF NECESSITY. It is found that there exists and may in the future exist within the Township, premises, dwellings, dwellings units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy affect or are likely to affect adversely the public health, (including the physical, mental, and social well-being of persons and families), safety and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety and general welfare, it is further found that the establishment and enforcement of minimum housing standards is required.

2.1-4.0215 PURPOSE. The purpose of the ordinance codified in this chapter is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is further declared that the purpose of the ordinance codified in this chapter is to insure that the quality of housing is adequate for protection of public health, safety, and general welfare, including:

A. Establishment of minimum standards for basic equipment and facilities for light, ventilation and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance.

B. Determination of the responsibilities of owners, operators and occupants of dwellings.

C. Provisions for the administration and enforcement thereof.

2.1-4.0220 SHORT TITLE. This chapter shall be known and may be cited as the "Housing Maintenance Occupancy Code" of the Town, Eau Claire Co. WI.

For provisions of general municipality law regarding housing authorities, see WI ss 66.40; for provisions of general charter law authorizing cities to act for the health, safety, morals and welfare fo their citizens, see WI ss 62.11(5).

2.1-4.0225 APPLICABILITY. The provision of this code shall apply to all buildings used or designed or intended to be used for human habitation. Such occupancies and uses in existing buildings may be continued if such use or occupancy was legal at the time of adoption of this code, provided such structures are not substandard and such continued use is not dangerous to life. The decisions of the Health Official shall be subject to appeal to the Board as herein provided.

2.1-40226 RELATION TO BUILDING CODE. Whenever the Housing Code and the Building code impose similar requirements, the stricter of the two shall apply. Whenever the Housing Code and the Building code are in conflict, the Building Code shall apply.

2.1-4.0230 DEFINITIONS.

A. “Accessory Structure” means a detached structure subordinate to the main or principal structure and located on the same lot, the use of which is customarily incidental to the main building.

B. “Approved” means approved by the local or state authority having such administrative authority.

C. “Ashes” means the residue from the burning of combustible materials.

D. “Bathroom” means an enclosed space containing one or more bathtubs or showers, or both, and which may also contain water closets, lavatories, or fixtures serving similar purposes.

E. “Building” means any structure built for the support, shelter and enclosure of person, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

F. “Cellar” means that portion of a building partly underground and having one-half or more of its interior clear height below average lot grade.

G. “Central Heating System” means a single system supplying heat to one or more dwelling unit(s) or more than one rooming unit.

H. "Court" means an open, uncovered, unoccupied space partially or wholly surrounded by walls of a structure.

I. "Deterioration" means the condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

J. "Dilapidated" describes a building, structure or part thereof which is in a state of ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

K. "Dormitory" means a room in any dwelling used for sleeping purposes by four or more unrelated persons.

L. "Dwelling" means any enclosed space which is wholly or partly used or intended to be used for living, sleeping, cooking, and eating.

M. "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

N. "Family" means one adult person plus one or more persons who are legally related to said person and residing in the same dwelling unit with said person.

O. "Flush Water Closet" means a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such toilet bowl shall have a smooth, easily cleanable surface.

P. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.

Q. "Grade" is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

R. "Guest" means any person who shares a dwelling unit in a non-permanent status for not more than 30 days.

S. "Habitable Room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenette and utility rooms of less than fifty square feet (50' ²), foyers, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

T. "Health Officer" means the Director of the Eau Claire City-County Health department representative designated by him.

U. "Heated Water" means water heated to temperature of not less than 120 degrees Fahrenheit.

V. "Household" means a family and/or one or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities, including servants and not more than two boarders.

W. "Town of Union Board" is the board appointed to act on appeals regarding this code.

X. "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

Y. "Insanitary Condition" is a condition constituting a danger or hazard to the health of a person or persons occupying or frequent a building or premises, or to the general public.

Z. "Kitchen" means any room containing any or all of the following equipment, or area of a room within three feet (3') of such equipment: Sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

AA. Meaning of Certain Words. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming units", "premises", and "structure" are used in this chapter they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular. The masculine gender includes the feminine and the feminine the masculine.

AB. "Multiple Dwelling" means any dwelling containing more than two

dwelling units and/or rooming units.

AC. "Occupant" means any person, over one year of age, living, sleeping, cooking or eating in, or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

AD. "Operator" means any person who has charge, care, control or management of a building, or part thereof, in which dwelling units or rooming units are let.

AE. "Ordinary Maximum Summer Conditions" means a temperature of 92 degrees Fahrenheit.

AF. "Ordinary Minimum Winter Conditions" means a temperature of minus 21 degrees Fahrenheit.

AG. "Owner" means any person who, alone or jointly or severally with others:

1. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

2. Shall have charge, care or control of any dwelling or dwelling unit, as own or agent of the owner, or an executor, administrator, trustee or guardian of the estate for the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

AH. "Permissible Occupancy" means the maximum number or persons permitted to reside in a dwelling unit or rooming unit.

AI. "Person" means and includes any individual, firm, corporation, association or partnership.

AJ. "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

AK. "Privacy" means the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

AL. "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.

AM. "Public" means an area open to the public.

AN. "Resident" means a resident of the Town.

AO. "Refuse" means all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

AP. "Room" is a space within an enclosed building, and set aside from other rooms or space by a permanent partition or partitions.

AQ. "Recreation Room" is a game or recreation room such as is frequently built in a cellar or basement.

AR. "Rooming house" means any dwelling or that part of any dwelling containing one or more rooming units, and/or one or more dormitory rooms. For the purpose of this code, "Rooming house" includes a dwelling unit occupied by more than four persons who are not legally related.

AS. "Rooming Unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

AT. "Rubbish" means nonputrescible solid wastes (excluding ashes) consisting of either:

1. Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
2. Noncombustible wastes such as tin cans, glass or crockery

AU. "Space Heater" means a self-contained heating appliance of either the circulating type or the radiant type and intended primarily to heat only one room.

AV. "Storage" means an item or items or materials intended for use at a subsequent time in another location.

AW. "Substandard Building" means all buildings used for purposes of human habitation which do not confirm to the minimum standards established by this chapter and by any other provisions of this code or other ordinances.

AX. "Temporary Housing" means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

AY. "Ventilation" means the process of supplying and removing air, by natural or mechanical means, to or from any space.

AZ. "Water Closet Compartment" means an enclosed space containing one or more water closets and one or more lavatories, and which may also contain urinals and other plumbing fixtures.

BA. "Abandoned Dwelling" means a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of 12 consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

BB. "Vacant Dwelling" means a dwelling which is unoccupied for a temporary period of time, less than 12 consecutive months and is intended by the owner to be occupied in the future, provided that such occupancy is bona fide and not to be acquired for the sole purpose of defeating the vacancy of the dwelling.

BC. "Asbestos" is the term used for a group of naturally occurring minerals that separate into fibers which are mined and milled for commercial use.

BD. "Friable Asbestos" means asbestos-containing material which can be crumbled, pulverized, or reduced to powder in the hand, readily releasing fibers with minimal mechanical disturbance.

BE. "Unobstructed Means of Egress" means that the exit is accessible from a common use area such as a hallway, living room, or kitchen, or, if the same is not available, from a bedroom or other area which is accessible to all occupants, that the exit is not in such a location as to become easily obstructed, and that the exit remains readily available for egress and not obstructed at all times.

2.1-4.0235 DWELLING UNIT MINIMUM REQUIREMENTS.

A. No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements.

B. Potable water from an approved source shall be available at all times in residential buildings, at a pressure which is adequate for normal human requirements. All sources of domestic water shall meet Wisconsin Department of Health Standards for potability. The domestic water supply system of the building shall be connected to such approved source and shall not be subject to contamination. All potable water supply piping and fittings for each plumbing fixture shall be installed in such a manner that backflow or back siphonage cannot occur. Backflow connections shall not be permitted between the piping system carrying potable water and any piping system or plumbing equipment carrying nonpotable water or water-borne waste. (All drinking fountains provided in any building or on any premises shall comply with the requirements of the State Plumbing Code.)

C. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Health Officer.

D. Every dwelling unit shall contain which affords privacy to person with said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Officer.

E. Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer.

F. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section shall be properly connected with hot and cold water lines which provide pressure which is adequate for normal human requirements.

G. Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Health Officer.

H. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the Health Officer.

I. Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provision of Subsection F, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of Subsection F are not in operation.

J. Every dwelling unit shall have access to two or more safe, unobstructed means of egress with minimum head room of six feet four inches (6'4"), leading directly to safe and open space at ground level, or as otherwise provided by the law of this state and the Town. Dwelling units which are above the first story will be permitted to use a secondary exit which utilizes a flat roof deck or platform supported by columns or brackets, and is provided with a three foot six inch (3'6") high protective rail together with two uniformly spaced intermediate rails. Railings on platforms subject to use by children shall have intermediate rails or an ornamental pattern designed to prevent the passage of an object with a diameter larger than nine inches (9"). This platform shall comply with the regulations contained in Wisconsin Administrative Code Ind. 51.20 (3) and (4) which in part requires that it be of wrought iron, soft steel or medium steel construction. The floor of the platform or roof edge may not exceed an elevation of ten feet zero inches (10'0") above the ground.

K. Structurally Sound handrails shall be provided on any steps containing four risers or more and on the open sides of all such stairways with a vertical rise of more than three feet (3'). All openings between handrails and stairways shall be protected by an intermediate rail at mid height or equivalent unless the stairway is subject to use by children in which case it shall have rails designed to prevent the passage of an object with a diameter larger than nine inches (9"). Porches, balconies and other elevated platforms located more than two feet (2') higher than the adjacent areas shall have structurally sound protective guardrails forty-two inches (42") high and, in unenclosed, intermediate rails or balusters as specified in Subsection J above. Protective guardrail within individual dwelling units may be a minimum of thirty-six inches (36") in height.

2.1-4.0240 RETALIATORY EVICTION PROHIBITED. No tenancy upon any premises subject to the provisions of this chapter may be terminated by a landlord for the sole reason that the tenant whose tenancy is proposed to be terminated has reported an actual and existing violation of this chapter to the proper code enforcement authorities.

2.1-4.0245 LIGHT, VENTILATION AND HEATING MINIMUM STANDARDS.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or portions of structures face a window or any such room and such light obstruction structures are located less than three feet (3') from the window and extended to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window area of such skylight shall equal at least fifteen percent of the total floor area of such room, or adequate artificial light shall be provided if window areas do not comply with the above requirements.

B. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of operable window or exterior door area in every habitable room shall be equal to at least forty-five percent of the minimum window size or minimum skylight-type window size, as required in Subsection A, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.

C. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsection A and B, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system in working condition which is approved by the Health Officer.

D. Every dwelling unit shall be supplied with electrical service, wiring, outlets and fixtures which shall be properly installed and shall be maintained in good and safe working condition. The following requirements shall be applicable to all dwelling units:

1. Every bathroom, bedroom, water closet compartment, kitchen, dining room, living room, laundry room, furnace room, hall, stairway and exterior entrance shall have at least one approved wall or

ceiling light fixture capable of providing no less than five foot candles at floor level in the center of the room. A switched outlet may be substituted for a light fixture in bedrooms, living rooms and dining rooms.

2. A minimum number of duplex electric convenience outlets shall be provided as follows:

a. Kitchen and living room-three each room with at least one outlet serving the food preparation area.

b. Bedrooms-one duplex outlet per occupant of the bedroom, with a minimum of two outlets per bedroom.

c. Every habitable room not listed in a and b shall have at least two separate duplex convenience outlets; or one such duplex convenience outlet and supplied ceiling or wall light fixture.

3. Branch circuits shall be protected by circuit breakers, or by S- type or equivalent safety type, tamper proof fuses not to exceed the amp capacity of the smallest wire in the circuit.

4. No duplex electric convenience outlet shall serve more than two fixtures or appliances.

E. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit at a distance three feet (3') above floor level, under ordinary minimum winter conditions.

F. Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times as determined by the Health officer. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system approved by the Health Officer, which may be turned on when needed, instead of full time wiring.

G. From approximately May 1st to September 30th doorways and windows shall meet the following:

1. Every doorway used or intended to be used for ventilation and opening directly from a dwelling, dwelling unit, or a rooming unit to outside space shall have supplied properly fitting screens having at least 16-gauge mesh and be provided with a self closing device.

2. Every window or other device with openings to outdoor space used or intended to be used for ventilation, shall be supplied with screens having at least 16-gauge mesh.

H. Every basement or cellar window used or intended to be used for ventilation and every other opening to basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

I. From November 1st to March 31st every window serving a habitable room shall be provided with storm windows, except insulated windows need not be provided with storm windows. Each exterior door other than a solid core or insulated door, shall be supplied with a storm door. All such storm windows and doors shall be maintained in reasonably good repair and shall be reasonably weathertight.

2.1-4.0250 SAFETY AND SANITARY FACILITIES MAINTENANCE. No person shall occupy as owner-occupant or let to another for occupancy dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every foundation, floor, wall, ceiling and roof shall be reasonably weather tight, structurally sound, watertight and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

B. Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof; and shall be kept in sound working condition and good repair.

C. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

D. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

E. Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept clean and in sanitary condition.

F. Every supplied facility, piece of equipment or utility which is required under this chapter, including interior doors, shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition and in good repair.

G. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Health Officer.

H. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

I. In all dwellings, dwelling units, or rooming units where lead in excess of one half percent by weight is established for painted surfaces or any other surface in any other item in the home, it shall be removed or made inaccessible. In every inspection of a dwelling, dwelling unit or rooming unit conducted by the Health Officer, they shall inspect the presence of lead-based substances in or upon exposed surfaces and may remove samples necessary for laboratory analysis.

J. Owners of rental property who supply a stove or stoves or similar service for cooking food, or a refrigerator or refrigerators for the safe storage of food, or both, shall assure the same are properly installed and in good repair such that they may be maintained for safe and sanitary operation. All food preparation areas and supplied furniture in rental property shall be in reasonably good condition.

K. In every inspection of dwelling, dwelling unit or rooming unit conducted by the Health Officer, he shall inspect for the presence of friable asbestos-containing material and may remove samples necessary for laboratory analysis. Where asbestos-containing material is found to be present and in such condition that asbestos fibers are or may be released to the adjacent environment, the asbestos-containing material shall be removed or repaired.

1. Removal, repair, and disposal of asbestos-containing material shall follow federal, state and local rules and/or guidelines. Plans detailing corrective procedures to comply with the health

department orders regarding asbestos shall be submitted to the health department prior to initiating the corrective measures.

2. Where asbestos-containing materials are used to insulate pipes and/or boilers, the phrase "caution asbestos" shall be painted or otherwise securely affixed on the boiler and on at least one of the insulated pipes in letters not less than one inch (1") in height, in contrasting colors with the background material and be easily visible.

2.1-4.0255 MINIMUM FLOOR SPACE-LOT USE REQUIREMENTS. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Every dwelling unit shall contain at least one hundred and fifty square feet (150' ²) of floor space for the first occupant thereof and at least one hundred additional square feet (100' ²) of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

B. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet (70' ²) of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet (50' ²) of floor space for each occupant thereof over 12 years of age and at least thirty square feet (30' ²) for each occupant 12 years of age and under.

C. No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room unless the other room passed through is occupied by persons 12 years of age or under; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room unless other room passed through occupied by person 12 years of age or younger; nor shall room arrangements be such that access to a sleeping room can be had only by going through a bathroom or water closet compartment.

D. At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet (7'); and the floor area of that part of any room where the ceiling height is less than five feet (5') shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

E. In multiple dwellings, the occupancy of rooms below grade shall be

in compliance with state law. This requirement is that no rooms below grade shall be used for living or sleeping unless they were used as such before the adoption of the state regulations. In one and two family dwellings no space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless:

1. The floor and those portions of the wall below grade are of waterproof and dampproof construction;
2. The minimum window area is equal to at least that required in Section 2.1-4.0245 A; and such window area is located entirely above the grade of the ground adjoining the window area, or if windows are located wholly or partly below grade, there is constructed a properly drained window well, the open area of which is equal to or greater than the area of the masonry opening for the window, the bottom of the window well is below the top of the impervious masonry construction under this window and the minimum horizontal dimension of the window well is greater than the depth of the well; except where there is supplied adequate artificial illumination;
3. The total openable window area in each room is equal at least to that required in Section 2.1-4.0245 B or meets the ventilation requirements of said section;
4. There are no pipes, ducts or other obstructions less than six feet five inches (6'5") above the floor level which interfere with the normal use of the room area;
5. There are two doorway-type exits provided therefrom;
6. In case of a recreation room used for recreational and other temporary occupancies only the requirements of 2, 3 and 5 do not apply.

2.1-4.0260 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

A. Every owner of a dwelling containing two more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.

B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

C. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection 2.1-4.0235 G.

D. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 2.1-4.0235 H. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than two dwelling units and for all dwelling units located on premises where more than two dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

E. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens, storm windows or storm doors whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except the owner shall be responsible where he or she has agreed to supply such services, or where the dwelling unit is above the first floor, or where the dwelling unit is a licensed rooming house.

F. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the owner. Whenever exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

G. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of responsible care in the proper use and operation thereof.

2.1-4.0265 EFFICIENCY APARTMENTS. Nothing in this code shall prohibit the use of an efficiency living unit meeting the following requirements:

A. Such efficiency living shall have for general living purposes, not less than two hundred and twenty square feet (220' ²) of floor area. An additional one hundred square feet (100' ²) of superficial floor area shall be provided for each occupant of such unit in excess of two.

B. Such efficiency living unit shall be provided with a kitchenette not less than fifteen square feet (15' ²) in size and shall be equipped and arranged for complete kitchen use which can be considered as part of total habitable area.

C. Such efficiency living unit shall be provided with separate bathroom meeting the requirements of this code.

2.1-4.0270 HEALTH OFFICER-INSPECTIONS DUTIES.

A. The health officer is authorized and directed to make inspections pursuant to the plans for inspection authorized by this chapter or in response to a complaint that an alleged violation of the provisions to this chapter or of applicable rules or regulations pursuant thereto has been committed; or when the health officer has valid reason to believe that a violation of this chapter or any rules and regulations pursuant thereto has been committed. If violations are found to exist the procedure of enforcement stated in Sections 2.1-4.0275 through 2.1-4.0295 inclusive shall also apply to such violations.

B. The health officer is authorized to enter and inspect all dwellings, dwelling units, rooming houses, rooming units, and dormitory rooms subject to the provisions of this chapter between the hours of eight a.m. and five p.m. (except Sundays and holidays), for the purpose of determining whether there is compliance with its provisions. He shall give the occupant thereof, or if there is none, then the owner thereof not less than 24 hours' notice of his intent to inspect the premises and may then make his inspection only if he is given permission to do so. In the absence of such permission, he shall obtain a search warrant before entering the premises.

However, if delay in inspection would pose a serious and imminent threat to human life, health or property, he may enter the premises without such permission or notice and with or without a search warrant as the circumstances may prescribe.

The 24 hour notice requirement may be waived by the occupant, or if there is none, the owner.

C. The health officer is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, and dormitory rooms subject to this chapter for the purpose of determining whether there is compliance with its provisions.

D. The health officer and the owner, occupant or other person in charge of dwelling, dwelling unit, rooming house or dormitory rooms subject to this chapter may agree to an inspection by appointment at a time other than the hours provided by this chapter.

E. The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house or dormitory room upon representation by the health officer of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected shall give the health officer entry and free access to every part of the dwelling unit, rooming unit or dormitory room to the premises surrounding any of these except as noted in Subsection B above.

F. The health officer shall keep confidential all evidence not related to the purpose of this chapter and any rules and regulations pursuant thereto which he may discover in the course of the inspection. Such evidence shall be considered privileged, and consent shall not be admissible in any judicial proceeding, without the consent of the owner, occupant, or other person in charge of the dwelling unit or rooming unit so inspected.

G. If any owner, occupant, or other person in charge of a dwelling, dwelling unit or rooming unit, or a multiple dwelling or rooming house subject to the provisions of the Housing Code, refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this chapter is sought, the health officer may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference.

2.1-4.0275 ENFORCEMENT-NOTICES, ORDERS AND HEARINGS.

A. Whenever the health officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

1. Be put in writing;
2. Include a statement of the reasons why it is being issued;
3. Allow a reasonable time for the performance of any act it requires;
4. Be served upon the owner or his agent, or the occupant, as the case may require: Provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by

certified mail to his last known address; or if a copy is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may;

5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with the rules and regulations adopted pursuant thereto.

B. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board. Such person shall file with the health office a written petition requesting such a hearing setting forth a brief statement of the grounds thereof within ten days of the day the notice was served. Upon receipt of such petition the health officer shall advise the Chair, who shall set a time and place for such a hearing, which shall be within ten days, or as soon thereafter as the matter may be heard by the Board, and shall give the petitioner written notice thereof. At such a hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

C. After such hearing the Board may sustain, modify or withdraw such notice, depending upon its finding as to whether the provision of this chapter and the rules and regulations adopted pursuant thereto have been violated. The Board shall be guided by a policy of reasonable compliance in order to promote the public health and may at its discretion permit exceptions to provisions of this chapter so long as such exceptions are not contrary to the spirit of the chapter as a whole.

D. The proceedings at such hearing, including the findings and decisions of the Board shall be summarized, reduced to writing and entered as a matter of public record in the office of the Clerk. Such shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Advisory Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this state.

E. Whenever the health officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue and order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Board shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this chapter and the rules and regulations

adopted pursuant thereto have been complied with, the health officer shall continue such order in effect, or modify it or revoke it.

2.1-4.0280 HOUSING APPEARANCE.

A. **MINIMUM STANDARDS.** No person shall occupy as owner-occupant or shall let or hold out to another for occupancy, any dwelling of family unit, for the purpose of living therein, or own or be in control of any vacant dwelling or dwelling unit which is not safe, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following sections.

B. **FOUNDATIONS, EXTERIOR WALLS, AND ROOFS.** No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, or own or be in control of any vacant dwelling unit, which does not comply with the following requirements:

1. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers.
2. Structures that require paint or stain, or that have been painted or stained, should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within 90 days from the date of the first application.
3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.

C. **GRADING AND DRAINAGE OF LOTS.** Every yard, court, vent passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded so as to prevent the accumulation of water on any such surface or on adjacent property. Driveways shall be maintained in good repair.

D. **ACCESSORY STRUCTURES.** All accessory structures shall be maintained in a state of good repair and vertical alignment. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated condition, which are not economically repairable, shall be removed. Such structures include, but shall not be limited to: porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

E. **ABANDONED DWELLINGS.** The owner of any abandoned dwelling or his authorized agent shall:

1. Cause all services and utilities to be disconnected from or discontinued to said dwelling;
2. Lock all exterior doors and windows of said dwelling;
3. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceiling, roof, porches and stairs shall be reasonably weather tight, waterproof, rodent proof, structurally sound, and in good repair such that they comply with Section 2.1-4.0280 B of this chapter, and
4. Maintain the yard and accessory structures such that they comply with Section 2.1-4.0280 C and D of this chapter.

F. **NUISANCES.** The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition.

2.1-4.0285 UNFIT DWELLINGS-CONDEMNATION PROCEDURE. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

1. One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation, or sanitation

facilities adequate to protect the health of safety of the occupants or of the public;

3. One which because of its general condition or location is insanitary or otherwise dangerous, to the health or safety of the occupants or of the public.

B. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the health officer, shall be vacated within a reasonable time as ordered by the health officer.

C. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the health officer. The health officer shall remove such placard whenever the defect of defects upon which the condemnation and placarding action were based have been eliminated.

D. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Subsection C.

E. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Board, under the procedure set forth in Section 2.1-4.0275.

2.1-4.0290 VIOLATION-PENALTY. Any person who violates any provision of this chapter, or any provision of any rules or regulation adopted by the health officer pursuant to authority granted by this chapter, shall upon conviction thereof, forfeit not less than \$100.00 nor more than \$250.00 together with the costs of prosecution, and every day of violation shall constitute a separate offense. On default of payment of such forfeiture, any person so convicted shall be confined in the County Jail of Eau Claire County for a term of not less than one day and not more than 60 days.

2.1-4.0295 PREVAILING REGULATIONS. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or Health Ordinance Code of the Town existing on the effective date of the ordinance codified herein, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the Town existing on the effective date of the ordinance codified herein which establishes a lower standard for the promotion and protection of the health and safety of the

people, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this chapter.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 5 - TOWN CONSTABLE
ARTICLE 1 - GENERAL PROVISIONS**

2.1-5.0105 STATUTORY AUTHORITY. Pursuant to Sec. 60.22 (4) and Sec. 60.35 of Wisconsin Statutes, the Board hereby establishes the jurisdiction and duties of the Town Constable, as described herein.

2.1-5.0110 JURISDICTION AND DUTIES. The Constable shall cause to be enforced and prosecuted all violations of the following named Town Ordinances of which he or she has knowledge or information:

- A. Animal Ordinance: Title 2, Division 1, Chapter 3.

2.1-5.0115 NONEXCLUSIVITY. The adoption of this ordinance does not preclude the Board from adoption any other ordinance or providing for the enforcement of any law or ordinance relating to the same or other matter. The jurisdiction and duties of the Constable as stated herein shall not preclude the Board or any other Town Officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation, or order.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 6 - WATER CRAFT
ARTICLE 1 - GENERAL PROVISIONS**

2.1-6.0105 APPLICABILITY AND ENFORCEMENT.

A. The provisions of this ordinance shall apply to the waters of Elk Creek Lake.

B. This chapter shall be enforced by the officers of the Town, Eau Claire County and the officers of the Town of Spring Brook, Dunn County, working cooperatively with officers of the Eau Claire County, State of Wisconsin; Dunn County, State of Wisconsin; and the Wisconsin Department of Natural Resources.

C. This article shall not apply to official emergency personnel providing emergency services or to official emergency personnel engaged in training approved by the personnel's agency's chief of emergency services.

2.1-6.0110 INTENT. The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

2.1-6.0115 STATE BOATING AND SAFETY LAWS ADOPTED. State boating laws as found in SS. 30.50 to 30.71, Wis. Stats., are adopted by reference.

2.1-6.0120 DEFINITIONS.

A. "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

B. "Elk Creek Lake" means all bays, lake area and back waters of the Elk Creek Lake area of Sect 18 Twp 27N, Range 10W and Sections 13 and 24, Twp 27N, Range 11W all in the Town of Spring Brook, Dunn Co., WI and the Town of Union, Eau Claire Co., WI.

2.1-6.0125 CONTROLLED AREA. No person shall operate a boat or water craft faster than slow-no-wake in the waters of Elk Creek Lake at any time.

2.1-6.0130 POSTING REQUIREMENTS. The Towns of Union, Eau Claire Co.,

and Spring Brook, Dunn Co. shall place and maintain a synopsis of this ordinance at all public access points within their respective jurisdictions pursuant to the requirements of NE 5015 Wis. Admin. Code.

2.1-6.0130 PENALTIES. Wisconsin state boating penalties as found in Wis. Stat. 30.80 and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 1 - FIRE WARDEN
ARTICLE 1 - GENERAL PROVISIONS**

2.2-1.0105 CHAIR AS FIRE WARDEN. Pursuant to Section 26.13 of the Statutes, the Chair by virtue of office and oath of office is the Town Fire Warden and shall perform the duties and have the powers of the Fire Warden in addition to those of Chair. The Chair may appoint one or more Supervisors to act as Deputy Fire Warden.

2.2-1.0110 COMPENSATION. The Chair shall receive no additional compensation from the Town for the duties of Fire Warden except expenses.

2.2-1.0115 POWERS AND DUTIES.

A. In addition to the powers and duties conferred upon fire wardens by the Municipal Code and Chapter 26 of the Statutes, the Fire Warden shall be responsible for the proper and just enforcement of Chapter 3 of this Division under the supervision of the Board.

B. The vehicle of the Fire Warden is hereby designated as an authorized emergency vehicle.

C. The Fire Warden shall have the same powers and duties as the Fire Chief and Chief Inspector conferred in the Fire Prevention Code as adopted and modified by Chapter 3 of this Division except the power to issue, suspend or revoke permits required by said code.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 2 - TOWNSHIP FIRE DEPARTMENT, INC.
ARTICLE 1 - GENERAL PROVISIONS**

2.2-2.0105 NATURE OF DEPARTMENT. The fire services provided to the Town are provided by the Township Fire Department, Inc., a non-profit, non-stock corporation which is owned by the Towns of Washington, Seymour, Union, Brunswick and Pleasant Valley. The corporation serves as the official fire department for the Town.

2.2-2.0110 RELATIONSHIP WITH DEPARTMENT.

A. The Town's relationship with the corporation is governed by the provisions of the bylaws of the corporation which are incorporated herein by reference as from time to time amended or altered.

B. The Town is represented at the meetings of corporation members, both annual and special, by the Board.

C. The Chair, by virtue of office, shall serve as a corporate director on the Board of Directors and may serve as an official or officer of the corporation. He shall serve in any capacity incident to be the Town's official designated representative.

D. The Town shall be responsible for payment of its financial support assessment as annually approved by the Board of Directors based on the equalized valuation of the members as provided in the corporate bylaws.

TITLE 2 - COMMUNITY PROTECTION
DIVISION 2 - FIRE SAFETY
CHAPTER 3 - FIRE REGULATIONS
ARTICLE 1 - GENERAL PROVISIONS

2.2-3.0105 PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

2.2-3.0110 APPLICABILITY. This ordinance applies to all outdoor burning of any material, whether the fire is contained or not within the Town except:

A. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

B. Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in 2.2-3.0115 (N) of this ordinance.

C. Burning in a furnace, boiler or other heating device outside a building used to provide heat for human or animal habitation unless the material being burned includes refuse as defined in 2.2-3.0115 (N) of this ordinance.

D. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

E. Fires for the purpose of warming the person which comply with the terms of this ordinance for a campfire.

2.2-3.0115 DEFINITIONS.

A. "Burn Barrel" means a steel or iron container used to burn materials not prohibited by law constructed so that while burning takes place in it, there are no holes in any of its top, bottom, or sides greater than one-fourth square inch ($1/4''^2$), it is at least six inches (6") above the ground, and it is at least ten feet (10') from any combustible material.

B. "Campfire" means a small outdoor fire less than five feet (5') in diameter, intended for recreation, cooking or warming the body, not including a fire intended for disposal of waste wood or refuse. Wood used in a camp fire

shall be cut, split, trimmed and sized appropriately for a small camp fire and the fire shall be confined by a control device or structure such as a barrel, fire ring or fire pit.

C. “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

D. “Chief Inspector” means the Chief Inspector of the Township Fire Department, Inc.

E. “Confidential Papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

F. “Department of Natural Resources” means any employee of the State of Wisconsin, Department of Natural Resources empowered by that department to act on its behalf in the matter at issue.

G. “Deputy Chief or Battalion Chief” means a Deputy Fire Chief or a Battalion Chief of the Township Fire Department, Inc.

H. “Exception” This chapter shall not apply to fires lawfully set, kindled or maintained for the purpose of cooking food or warming the person.

I. “Fire Chief” means the Chief of Township Fire Department, Inc. or other person authorized by the Fire Chief.

J. “Fire Department” means the Township Fire Department, Inc.

K. “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.

L. “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

M. “Outdoor Wood-Fired Furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

N. "Refuse" means any waste material except clean wood.

2.2-3.0120 GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING. Open burning, outdoor burning and refuse burning are prohibited in the Town unless the burning is specifically permitted by this ordinance.

2.2-3.0125 MATERIALS THAT MAY NOT BE BURNED. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources:

A. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, animal waste, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

C. Asphalt and products containing asphalt.

D. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

E. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

F. Rubber including tires and synthetic rubber-like products.

G. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the Eau Claire County Recycling Ordinance except as provided in 2.2-3.0145 of this ordinance.

2.2-3.0130 OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS. Open burning of leaves, weeds, brush, stumps,

clean wood other vegetative debris is allowed only by permit, issued under 2.2-3.0150 and 2.2-3.0155 of this ordinance, subject to special conditions therein and in accordance with the following provisions:

A. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions will minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

B. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

C. Open burning shall be conducted only on the property on which the materials were generated.

D. A commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

E. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance and in accord with all restrictions imposed by the approving authorities.

F. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources and the Fire Chief.

G. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if conducted in accordance with other provisions of this ordinance.

H. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

I. Open burning under this section shall only be conducted at a location at least fifty feet (50') from the nearest building which is not on the same property.

J. Except for campfires, open burning and burning in a barrel shall only be conducted between 6:00 PM to midnight Monday through Friday except legal holidays as defined in 895.20, Wisconsin Statutes or between 8:00 AM to midnight Saturday, except legal holidays as defined in 895.20, Wisconsin Statutes. All fires shall be extinguished by midnight.

K. When two or more inches of snow cover blankets the Town burning permits may be issued allowing open burning and burning in a burn barrel between the hours of 8:00 AM and Midnight Monday through Saturday except legal holidays as described in 2.2-3.0130 (J). All fires shall be extinguished by midnight.

L. Open burning and burning in a barrel shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

M. All piles of materials to be burned shall be sized appropriately so that the fire will be completely out by midnight.

N. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

O. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five feet (25') from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.

P. No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town.

Q. Agricultural burning permits, may be issued in the A1 (exclusive agriculture) Zoning districts to burn leaves, weeds, brush, stumps, clean wood and other vegetative debris, Monday through Saturday except legal holidays and when atmospheric conditions or when local circumstances may make or tend to make such fire or fires hazardous. When Agricultural burning may take place 24 hours a day continuously when the burning takes place on a snow covered, tilled or harvested field where minimal crop residue is present to support continuous burning and the fire is attended as described in Section 2.2-3.0130 (L).

2.2-3.0135 BURN BARRELS. A burn barrel may be used in the Town only in accordance with the following provisions:

A. The burn barrel shall not be used to burn any of the prohibited materials listed in 2.2-3.0125 of this ordinance and may only be used in accordance with the provisions of 2.2-3.0130 of this ordinance.

B. The burn barrel shall be located at least fifteen feet (15') from the nearest building that is not on the same property as the burn barrel.

C. The burn barrel shall have vent holes not greater than $\frac{1}{4}$ (.25) square inch (.5"X.5" square, or 13"/16" round), located above the ash line for combustion air and shall be covered with a heavy wire screen with the openings not greater than $\frac{1}{4}$ (.25) square inch.

D. No burn barrel shall be used or located upon the premises of a commercial enterprise.

E. A burning permit is not required for burning in a barrel when such burning takes place during the hours set forth in 2.2-3.0130 (J) and the burn barrel meets the specifications of Section 2.2-3.0135 (C).

2.2-3.0140 FIRE DEPARTMENT PRACTICE BURNS. Notwithstanding Section 2.2-3.0120 of this ordinance, the Township Fire Department, Inc. or another Fire Department having jurisdiction in the Town, alone or in conjunction with Chippewa Valley Technical College may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

2.2-3.0145 EXEMPTION FOR BURNING CERTAIN PAPERS.

A. Notwithstanding 2.2-3.0125 (G) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

B. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

C. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

D. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with 2.2-3.0130 of this ordinance.

2.2-3.0150 BURNING PERMITS.

A. No person shall start or maintain any open burning without a burning permit issued by the Dispatcher or Deputy Dispatcher of the Township Fire Department, Inc.

B. Property owners located in the DNR intensive forest fire protection areas, Shall obtain a burning permit from an authorized DNR fire warden.

C. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

D. Any person who burns leaves, brush, clean wood or other vegetative debris under 2.2-3.0130 of this ordinance shall obtain a burning permit by telephonic or in-person communication with the dispatcher of the Township Fire Department Inc.

E. When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

F. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

G. Burning permits shall not be issued when sustained wind speeds greater than ten mph or sustained winds of lesser speed gust to 15 mph or more. All previously issued burning permits become invalid when those conditions exist.

H. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

2.2-3.0160 LIABILITY.

A. Any person who starts or uses an outdoor fire shall be liable to the Township Fire Department for all fire suppression costs if the fire is in violation of this ordinance or it endangers property not covered by the permit or persons.

2.2-3.0165 PERMISSION OF OWNER OR LESSEE REQUIRED FOR FIRES.

No person shall set, kindle or maintain or cause to be so any fire, or otherwise authorize such fire to be set, kindled or maintained on any public property or on any private property except:

- A. Property owned by the person;
- B. Property leased to the person; or
- C. Property owned by another with that owners written consent.

2.2-3.0170 RIGHT OF ENTRY AND INSPECTION. The Fire Chief or any person designated by the Fire Chief or any authorized officer, agent, employee or representative of the Town may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

2.2-3.0175 ENFORCEMENT, PENALTIES, AND FEES.

A. The Fire Chief and any Assistant Chief or Battalion Chief of Township Fire Department Inc., or any Fire Warden appointed by any agency of the State of Wisconsin or the Town or any person authorized by the Town is authorized to enforce the provisions of this ordinance.

B. The penalty for violation of any portion of this ordinance shall be a class C offense and a forfeiture of not less than \$100 or more than \$250 plus the cost of prosecution.

C. Burning permit fees and annual burn barrel permit fees are listed in the Fee Schedule at the end of this code.

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 3 - EMERGENCY SERVICES
CHAPTER 1 - MANAGEMENT OF EMERGENCIES
ARTICLE 1 - EMERGENCY POWERS**

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 3 - EMERGENCY SERVICES
CHAPTER 1 - MANAGEMENT OF EMERGENCIES
ARTICLE 2 - AUXILIARY POLICE**

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 3 - EMERGENCY SERVICES
CHAPTER 1 - MANAGEMENT OF EMERGENCIES
ARTICLE 3 - CONTINUITY OF GOVERNMENT**

(Reserved for Future Use)

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 3 - EMERGENCY SERVICES
CHAPTER 2 - EMERGENCY MEDICAL SERVICES**

(Reserved for Future Use)

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 1 - BEER AND LIQUOR CONTROL**

3-1.0105 TRAINING REQUIREMENTS FOR OPERATOR LICENSES.

A. All persons applying for, or presently licensed as beverage operators in a Class A or Class B establishment, shall complete a mandatory Alcohol Awareness Training Program approved by the Board.

Any person applying for a license may be granted a license for a 45 day period pending completion of the approved training program. After completion of the approved training program, the applicant shall show to the Clerk the certificate of completion and shall be granted a license for the balance of the licensing period. In the event the applicant does not complete the approved training program, the 45 day license shall become null and void.

B. No Class A or Class B license shall be issued unless the applicant has successfully completed the above described program. For the purpose of this section, applicant means: for a sole applicant, that person; for a partnership, all partners except limited partners so designated by a limited partnership agreement which complies with Chapter 179 of the Wisconsin Statutes; for a corporation, the agent of said corporation pursuant to Section 125.04(6), Wis. Stats. No person who otherwise would be considered the holder of an operator's license under Section 125.32(2) or 125.68(2) of the Wisconsin Statutes shall be so considered unless he or she has successfully completed said program.

C. Participants in the approved training program shall pay the established tuition fee. Changes in the curriculum, content or hours of the approved program may be made without consent of the Board, provided that such changes are approved by the Clerk and the Chair, but that the Board be advised of such changes.

3-1.0110 ISSUING OPERATOR LICENSES.

A. A new beverage operator's (bartender's) license as provided by Chapter 125 Stats. may be issued by the Board upon the payment of the fee shown on the Fee Schedule at the end of this code. A renewal beverage operator's license may be issued by the Board upon the payment of a fee listed in the Fee Schedule. A written application provided by the Clerk shall be filed with the Clerk and completed in full. The application shall be referred to the Sheriff for a background report on the applicant. A person must be 18 years of age and have completed the approved training in order to be eligible for an operator's license.

B. The Board shall grant an operator's license pursuant to this section to such applicants as they deem fit. Said license shall expire on the second June 30th following the date of issuance. The license fee under this section shall be paid to the Treasurer. Each operator's license shall be posted in a conspicuous place in the room or place where alcohol beverages are poured, served, consumed or removed for service or sale.

C. The Clerk may issue a provisional beverage operator's license subject to the following conditions:

1. A provisional license may be issued only to a person who has applied for a regular beverage operator's license as provided by Subsections A and B of this section.

2. A provisional license may not be issued to any person who has been denied a regular beverage operator's license by the Board.

3. A provisional license shall expire 60 days after its date of issuance or when a regular beverage operator's license is granted by the Board and issued to the holder, whichever is sooner.

4. The fee for a provisional beverage operator's license shall be included in the fee paid for an operator's license under Subsection A of this section. Upon issuance of a provisional license, the fee is non-refundable.

5. The Clerk may revoke the provisional license if it is discovered that the holder of the license made a false statement on the application.

6. On issuance of the provisional license, the Clerk shall provide the Sheriff with a copy of the application and the Sheriff shall then make a background check on the license holder and report the results to the Clerk's office.

7. The Clerk may revoke the provisional license of any person when it is determined that such person has had one or more criminal or civil convictions substantially relating to the duties and circumstances commonly associated with a beverage operator's position.

8. Any person whose provisional license is revoked by the Clerk shall have the right to appeal that revocation to the Board. Such appeal

must be made in writing and presented to the Clerk within ten days after the date of revocation. Such appeal will then be heard by the Board at its next regularly scheduled meeting.

9. No person shall be issued more than two provisional licenses in any two year period.

C. Any license issued under this section may be suspended or revoked for cause by the Board. The Chair, Clerk or Board may suspend a beverage operator's license upon receipt of information which constitutes probable cause that the licensee:

1. Violated any ordinance, law or regulation while operating as a licensee;

2. That violations of any ordinance, law or regulation pertaining to the sale of beverages containing alcohol occurred while said licensee was present on said premises; or

3. That violation of any ordinance, law or regulation pertaining to the premises where said sales occurred while said licensee was present on said premises. The Board shall hold a public hearing prior to any revocation, and may only revoke a license for cause.

3-1.0115 REGULATION OF CLOSING HOURS.

A. No premises for which a Class B license has been issued for the sale of intoxicating liquors or fermented malt beverages shall be or remain open during hours prohibited by Wisconsin Statutes.

B. Any person or license holder who violates any of the provisions of this section shall forfeit a penalty of not less than \$25.00 nor more than \$100.00 together with the costs of prosecution for each and every offense, and in default of the payment thereof, shall be committed to the Eau Claire County Jail until such forfeiture and costs and expenses of prosecution are paid.

3-1.0120 ON AND OFF SALE. The Town elects to come under Section 125.51(3)(b) of the Wisconsin Statutes. The issuance of a Class B license for the sale of intoxication liquor pursuant to Section 125.51 of the Wisconsin Statutes may upon approval of the Board, include authority for the sale of said intoxicating liquor in the original package or container, subject to all statutory restrictions.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 2 - ADULT ENTERTAINMENT REGULATIONS**

3-1.0205 CERTAIN CONDUCT ON "CLASS B" PREMISES PROHIBITED.

Whereas the Board finds that the nature, design and intended use of adult-oriented establishments is conducive to high-risk sexual behavior. Such high-risk sexual behavior has the potential of exposing persons to, among other things, the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). AIDS is currently determined to be irreversible and usually fatal. The sections created herein are intended to provide for licensing and maintaining minimum standards for such adult-oriented establishments in order to protect the general health, safety and welfare of the public, by regulating those features of adult-oriented establishments which tend to facilitate and promote high-risk behavior and by providing regulations which aid in the surveillance and detection of unlawful activities within such premises.

A. No person possessing a "Class B" retailer's intoxicating liquor license, personally or through his agent or employee, shall knowingly permit or engage in the following conduct on licensed premises, and no entertainer or employee shall engage in the following conduct on said premises:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

2. The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva or genitals;

3. The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva, or genitals;

4. The showing of films or slides depicting any of the acts which are prohibited by the regulations stated above.

B. Certain Performances and Costumes Prohibited. No licensee, either personally or through his or his agent or employee, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or through his or her agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt or dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises.

1. That portion of every costume to be worn by dancers,

performers or entertainers covered by the provisions of this subsection and which relates to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material.

2. The top portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator shall be so conformed, fabricated, and affixed to the body so as to keep the area of the breast at or below the areola thereof completely covered at all times.

3. The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator, shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this ordinance.

4. The lower portion of the costume worn by a male dancer, performer, or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

C. Disorderly Conduct by Patrons Prohibited. No licensee, either personally or through his agent or employee, shall knowingly permit any patron to participate in any act, stunt or dance in violation of the provisions of this section.

3-1.0210 DEFINITIONS AS APPLIED TO ADULT ENTERTAINMENT ESTABLISHMENTS AND LIVE ADULT ENTERTAINMENT ESTABLISHMENTS.

For the purpose of this section, the following words and phrases shall mean:

A. "Adult Book or Video Store" means an establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:

1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to specified sexual activities or specified anatomical areas as defined herein or

2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1 above.

3. Significant part of the business means dedication or use of more than ten percent of the available floor, wall and display space to the sale, rental or loan of the subject matter referenced in Paragraphs 1 and 2 above, including space devoted to the viewing of videotapes or films, or display and advertisement of subject matter referenced herein in excess ten percent of the total merchandise for sale, rental or loan.

4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.

B. "Adult Entertainment Establishment" means an adult book or video store or an adult motion picture theater.

C. "Live Adult Entertainment Establishment" means any establishment which is used for live presentations or service distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female's vulva or breasts below the top of the areola ; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual acts prohibited by Wis. Statutes.

D. "Adult Motion Picture Theater" means an enclosed building used for presenting or exhibiting a motion picture film, show or other presentation having as its dominant theme or distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female's vulva or breasts below the top of the areola ; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual acts prohibited by Wis. Statutes.

E. "Board" means the Town Board.

F. "Booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises" shall mean such enclosures as are specifically

offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. The phrase “booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises” does not mean enclosures which are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purposes of viewing entertainment for a fee, and which are not open or available to any persons other than owners, managers or employees.

G. “Live Adult Entertainment Establishment” means any establishment which is used for live presentations or service distinguished or characterized by an emphasis on exposure to view of human genitals, pubic area, buttocks or anus; or a female’s vulva or breasts below the top of the areola ; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate erotic touching, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any sexual acts prohibited by Wis. Statutes.

H. “Operator” means any person, partnership, corporation, or other entity operating, managing, renting, conducting, maintaining or owning any adult entertainment establishment, or live adult entertainment establishment.

I. “Specified Anatomical Area” means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state, even if opaquely covered.

J. “Specified Sexual Activities”, simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal.

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.

3. Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

3-1.0215 ADULT ENTERTAINMENT ESTABLISHMENT OR LIVE ADULT ENTERTAINMENT ESTABLISHMENT LICENSE.

A. Except as provided in Subdivision (D) below, from and after the effective date of this ordinance, no adult entertainment establishment or live adult entertainment establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.

B. A license may be issued only for one adult entertainment establishment or live adult entertainment establishment located at a fixed and certain place. Any person who desires to operate more than one adult entertainment establishment or live adult entertainment establishment must have a license for each.

C. No license or interest in a license may be transferred to any person.

D. All adult entertainment establishments or live adult entertainment establishment existing at the time of the passage of this ordinance must submit an application for a license within 90 days of the passage of this ordinance. If an application is not received within such 90-day period, then such existing adult entertainment establishment or live adult entertainment establishment shall cease operations.

3-1.0220 APPLICATION FOR LICENSE.

A. Any person desiring to secure a license shall make application to the Clerk. The application shall be filed in quadruplicate. A copy of the application shall be distributed promptly by the Clerk to the Eau Claire County Sheriff's Department, the City-County Health Department, the Zoning Administrator, and to the Board members.

B. The application for a license shall be upon a form provided by the Clerk. An applicant for a license interested directly in the ownership or operation of the business shall furnish the following information under oath:

1. Name and address.
2. Written proof that the individual is at least 18 years of age.
3. The address of the adult entertainment establishment or live adult entertainment establishment to be operated by the applicant.
4. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent of the stock in such corporation and all officers and directors of the corporation.

C. Within 21 days of receiving an application for an adult entertainment establishment license or a live adult entertainment establishment license, the Clerk shall notify the applicant whether the application is granted or denied.

D. Whenever an application is denied or a license is not renewed, the Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten days of receipt of notification of denial or nonrenewal, a public hearing shall be held within ten days thereafter before the Board. If a public hearing is requested, it shall be held within ten days thereafter before the Board. The Board shall make a determination on the denial or nonrenewal of the license within 20 days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five days of the determination. The notification shall contain reasons for the denial or nonrenewal of the license. Judicial review by certiorari may be sought within 30 days of a termination under (c), (d), or (e) if a public hearing is requested. If a licensee makes a timely appeal, no nonrenewal shall be effective until a final judicial decision is rendered.

F. Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding such application or the applicant's refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that she, he or it is ineligible for such license and shall be grounds for denial thereof by the Clerk.

3-1.0225 STANDARDS FOR ISSUANCE OR RENEWAL OF LICENSE. To receive a license to operate an adult entertainment establishment or live adult entertainment establishment, an applicant must meet the following standards:

- A. If the applicant is an individual:
 - 1. The applicant shall be at least 18 years of age.
 - 2. The applicant shall not have been found to have previously violated this ordinance within five years immediately preceding the date of the application.

- B. If the applicant is a corporation:
 - 1. All officers, directors and stockholders required to be named under Subsection (B) shall be at least 18 years of age.
 - 2. No officer, director or stockholder required to be named under Subsection (B) shall have been found to have previously violated this section within five years immediately preceding the date of the application.

- C. If the application is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:
 - 1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.
 - 2. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this ordinance within five years immediately preceding the date of the application.

- D. A valid land use permit obtained from the Zoning Administrator.

- E. The license may include conditions that have been agreed to by the Town and the applicant pursuant to a court order in the settlement of an action to enforce this ordinance.

3-1.0230 FEES. A license fee shown on the Fee Schedule at the end of this code shall be submitted with the application for an adult entertainment establishment license or a live adult entertainment license. If the application is denied, one half of the fee shall be returned.

3-1.0235 DISPLAY OF LICENSE. The license shall be displayed in a conspicuous public place in the adult entertainment establishment.

3-1.0240 RENEWAL OF LICENSE.

A. Every license issued pursuant to this ordinance shall terminate on June 30 of each year, unless sooner revoked, and must be renewed before operation is allowed on July 1. Any operator desiring to renew a license shall make application to the Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in quadruplicate with and dated by the Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the City Police Department, the City Health Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data given under oath or affirmation as is required for an application for a new license.

B. A license renewal fee listed in the Fee Schedule at the end of this code shall be submitted with the application for renewal of either an adult entertainment establishment license or a live adult entertainment establishment license. In addition to the renewal fee, a late penalty listed in the Fee Schedule at the end of this code shall be assessed against the applicant who files for a renewal less than 60 days before the license expires. If the application is denied, one half of the total fees collected shall be returned.

C. If the County Sheriff's Department , City-County Health Department, or Zoning Administrator is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Clerk.

3-1.0245 REVOCATION OF LICENSE.

A. The Board may revoke or suspend a license for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

2. The operator or any employee of the operator violates any provision of this section or any rule or regulation adopted by the Board pursuant to this chapter provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license.

4. Any cost or fee required to be paid by this chapter is not paid or any tax due to the Town from the operator is not paid.

5. Any intoxicating liquor or fermented malt beverage is served or consumed on any premises of an adult entertainment establishment or a live adult entertainment establishment.

B. The Board, before revoking or suspending any license, shall give the operator at least ten days written notice of the charges against the operator and the opportunity for a public hearing before the Board. If the operator does not file a timely request for a public hearing, the allegations set forth in the charges shall be taken as true, and within ten days the Board shall meet and determine whether the charges are sufficient to revoke or suspend a license. Within five days of such determination, the Board shall provide written notification to the licensee of its findings and shall include reasons for suspension or revocation. If a public hearing is requested, it shall be held within ten days thereafter before the Board. The Board shall make a determination on the suspension or revocation of the license within 20 days of the scheduled public hearing and shall provide notification of the determination in writing to the licensee within five days of the determination. The notification shall contain reasons for a suspension or revocation of the license. Appeal of either of the above written determinations of the Board to revoke or suspend a license shall be by certiorari which must be sought within 30 days of a determination under this subdivision. If a licensee makes a timely appeal of the Board's determination to suspend or revoke a license, no suspension or revocation shall be effective until a final judicial decision is rendered.

C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

D. Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult entertainment establishment or live adult entertainment establishment for one year from the date of revocation of the license.

3-1.0250 LOCATION. No adult entertainment establishment license or live adult entertainment establishment license shall be granted for any premises:

A. Within one thousand feet (1,000') of any public or private school, any premises licensed for the sale of intoxicating liquor or fermented malt beverages, or any other adult entertainment establishment or live adult entertainment establishment;

B. Within five hundred feet (500') of any house of worship or licensed facility for day care of children or adults, or any community living arrangement, foster home, treatment foster home, or adult family home, as referred to in Sec. 59.69(15) Wisconsin Statutes.

3-1.0255 PHYSICAL LAYOUT. Any adult entertainment establishment or live adult entertainment establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

A. **ACCESS.** Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the establishment and shall be unobstructed by any door, lock or other control-type devices.

B. **CONSTRUCTION.** Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.

2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.

3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet (6') and be light colored, nonabsorbent, smooth textured and easily cleanable.

4. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

5. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten foot (10') candles at all times as measured from the floor.

C. **OCCUPANTS.** Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

3-1.0260 OPERATOR RESPONSIBILITY.

A. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs, either with the authorization, knowledge or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

B. Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

C. No employee of an adult entertainment establishment or live adult entertainment establishment shall allow any minor to enter, loiter around or frequent an adult entertainment establishment or live adult entertainment establishment or to allow any minor to view any activity allowed in an adult motion picture theater or live adult entertainment establishment.

D. The operator shall maintain the premises in a clean and sanitary condition at all times. The operator shall submit a fixed cleaning and sanitizing schedule to the Health Department for approval, and once approved, adhere to that schedule.

E. The operator shall maintain at least ten foot (10') candles of light in

the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view any activity in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one foot candle of illumination in such aisles as measured from the floor.

F. The operator shall conspicuously post inside each booth, stall, partitioned portion of room, or individual room an unutilated and undefaced sign or poster supplied by the health department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

G. The operator shall post regulations concerning booth occupancy, on signs, with lettering at least one inch (1") high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.

H. The operator shall comply with all conditions attached to a license pursuant.

I. The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance, including any license conditions.

3-1.0265 PATRON RESPONSIBILITY.

A. No person shall occupy an enclosure already occupied by another person, regardless of whether permission to enter has been given.

B. No person shall at any time engage in specified sexual activities or cause any bodily discharge or litter associated with such sexual activity while in the enclosure.

C. No person shall remove, destroy, or deface any signs or posters, or destroy or deface any information, brochures, or pamphlets, whether supplied by the Health Department or posted by the operator.

D. No person shall damage or deface any portion of the enclosure.

3-1.0270 EXCLUSIONS. All private and public schools, as defined in Ch.

115, Wis. Stats., hospitals, medical clinics and public health facilities, located within the Town, are exempt from obtaining a license hereunder when instructing pupils, patients, or clients in sex education, prenatal, family planning, or child birth classes as part of their curriculum or services.

3-1.0275 ENFORCEMENT. It shall be the duty of the Officers of the Town to administer and enforce the provisions of this ordinance.

3-1.0280 PENALTY.

A. In addition to the revocation, suspension or nonrenewal of any license issued under this ordinance, any person found to be in violation of any provision of this ordinance shall be subject to a forfeiture of not less than \$100 nor more than \$250 and in the case of an operator shall result in the suspension or revocation of any license up to one year.

B. Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

C. **SEVERABILITY.** If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of the same.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 3 - CABLE TELEVISION**

3-1.0305 POLICY. CABLE SYSTEM FRANCHISE REQUIRED. No cable system shall be allowed to occupy or use the streets or public rights-of-way of the Town without a Cable System Franchise granted by the Board to those applicants who successfully demonstrate that it is likely to and capable of operating a Cable System in the Town pursuant to this ordinance.

3-1.0306 FRANCHISE APPLICATION. An applicant for a Cable System Franchise shall apply to the Clerk on forms provided for that purpose. A non-refundable application fee shown on the Fee Schedule at the end of this code shall accompany the application. A franchise is not assignable except pursuant to Section 3-1.0307. In awarding a franchise, the Board:

A. Shall allow the applicant's cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;

B. May require adequate assurance that the cable operator will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support; and

C. May require adequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service.

3-1.0307 FRANCHISE ASSIGNMENT. A Franchisee may assign a franchise upon written application to the Clerk on forms provided for that purpose provided the Board is satisfied that the proposed assignee is qualified to hold a franchise. The Board shall approve or deny such application within 30 days of submission of all requested information. A non-refundable assignment fee shown on the Fee Schedule at the end of this code shall accompany the application for approval.

3-1.0310 DEFINITIONS. For the purposes of the ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. The word "shall" is always mandatory and not merely directory.

A. "Franchise" shall mean the authorization to operate a cable television system, including all mutual rights, duties and obligations of a franchisee as contained or incorporated in this ordinance. A franchise granted under this ordinance confers no property right upon a franchisee, but only those legal and political rights contained in this ordinance and in other law. The term of a Franchise shall be set by the Board, and shall be no longer than

ten years. The franchise of a franchisee which has complied with this ordinance shall, upon application and payment of the application fee, receive a renewal permit for a like term.

B. "System" shall mean those antennas, cables, wires, lines towers, waveguides, or other conductors, converters, equipment or facilities, designed and constructed within the Town for the purpose of producing, providing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronics or directional duplex signals, except it shall not include such facilities as are owned or operated by an entity whose rates and conditions of service are regulated by the Wisconsin Public Service Commission.

C. "Cable Service" shall mean the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service;

3-1.0315 GRANT OF AUTHORITY.

A. A franchisee shall be given the right and privilege to construct, erect, operate, and maintain, in, and along, across, above, over, and under the streets, alleys, public ways now laid out or dedicated and in compatible easements, and all extensions, thereof, and additions thereto, in the Town, poles, wires, cables, underground conduits, manholes, and other equipment and fixtures necessary for the maintenance of a cable system

B. A franchisee shall raise or lower wires or equipment upon the reasonable request of any third person, including any person holding a building permit. Expenses associated with raising and lowering the wires or equipment shall be paid by the person requesting he same (except in cases where franchisee is required to bear the costs under other provisions of its franchise) and the franchisee may require advance payment. A franchisee shall be entitled to require that it be given up to ten days advance notice by the person requesting the movement.

3-1.0320 COMPLIANCE WITH APPLICABLE LAWS.

A. A franchisee, shall, at all times during the life of its franchise, be subject, when not inconsistent with this franchise, to all lawful exercise of the police power by the Town and to such regulation as the Town shall hereafter provide, including, but not limited to, all Town ordinances regulating the use of, or excavation in, Town roads and Town Road Rights-of-Way.

B. Copies of all petitions, applications and communications submitted

by any franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect of any matters directly affecting Cable System operations authorized pursuant to the franchise, shall be submitted to the Board upon request.

3-1.0325 COMPLIANCE WITH ELECTRICAL STANDARDS. Construction and maintenance of the transmission and distribution system including house connections, shall be in accordance with the provisions of the National Electrical Safety Code of the National Board of Fire Underwriters, and such safety codes as now exist or which may be established in the future. In the event of a conflict among safety codes, the strictest standard shall apply.

3-1.0330 MULTIPLE FRANCHISES. In the event that the Town grants more than one franchise for a system, they shall be on substantially similar terms.

3-1.0335 SERVICE TERRITORY. A franchise shall include the entire area of the Town. A franchisee's distribution system shall be capable of providing service to all potential subscribers requesting service within the limits of the Town and shall extend its distribution system to serve additional subscribers in any unserved areas of the Town as of the effective date of this ordinance whenever the number of unservile homes passed by such extension would exceed 30 homes per mile; provided that such extensions are technically and economically feasible to the franchisee.

3-1.0340 CUSTOMER SERVICE. A franchisee shall render efficient repair service, and interrupt service only for good cause and for the shortest time possible. A local or toll-free telephone number shall be maintained so that complaints and repair requests may be received by franchisee at any time. All non-emergency service requests and complaints shall be responded to within five days of receipt. All emergencies and system outages will be responded to within 24 hours.

A franchisee shall give the Town 30 days prior notice of any rate increases, channel lineup or other substantive service changes.

A franchisee shall by appropriate means, as subscribers are connected or reconnected to the system, furnish information concerning the procedures for making inquiries and complaints, including the name, address and toll-free telephone number of the franchisee

3-1.0345 SERVICE TO TOWN. Each franchisee shall provide and maintain one free connection of basic cable service and such other services upon which a franchisee and the Town may agree, to the Town Hall, fire station(s), and to all public and parochial primary and secondary schools located in the Town. The cost of any internal wiring shall be borne by the building occupant.

Such connections shall be provided at such times as service can be

provided from a franchisee's existing distribution plant. If a distribution plant extension of the system is required which imposes an undue economic hardship, a franchisee shall have the right to petition the Town for relief from the service commitments of this section. Service shall be provided to newly constructed eligible building under the same terms and conditions and as soon as practical, but in no even later than two years from the date of occupancy.

3-1.0350 CONDITIONS ON STREET USE. A franchisee shall endeavor to obtain rights to use compatible facilities, such as without limitation by enumeration, poles, easements, trenches, and towers, belonging to other franchise holders within the Town. Approval of the assignment of such rights to a franchisee by such other franchise holders is hereby expressly given by the Town, it being the intention of the Town that the franchisee will utilize public utility facilities where feasible.

All transmission and distribution structures, lines, and equipment erected by a franchisee within the Town shall be located so as not to interfere with the proper use of streets alley, and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys, or other public ways and places, and not to interfere with existing public utility installation.

If a franchisee disturbs any pavement, sidewalks, driveways or other surfacing, it shall, at its own expense, and in the manner provided by the Town, replace and restore all such pavings, sidewalks, driveways or other surfaces of any streets or alleys thus disturbed.

If at any time during the period of any franchise, the Town shall lawfully elect to alter, or change the grade or alley, or other public ways, the franchisee shall upon reasonable notice by the Town, remove and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense, and in each instance comply with the requirements of the Town.

3-1.0355 INDEMNIFICATION AND INSURANCE.

Minimum insurance coverage for a franchisee shall be:

<u>Worker's Compensation</u>	<u>Statutory limits</u>
Commercial General liability	\$1,000,000 per occurrence Combined Single Liability C.S.L. \$2,000,000 General Aggregate
Auto liability including coverage on all owned, non-owned and hired autos	\$1,000,000 per occurrence C.S.L.

Umbrella Liability

\$1,000,000 per occurrence C.S.L.

The Town shall be added as an Additional Insured to the above Commercial General Liability and Auto Liability Insurance Coverage. A franchisee shall furnish the Town with current Certificates of Insurance evidencing such coverage.

A franchisee shall indemnify the Town and hold it harmless for any and all claims, costs and expenses arising from the operation of its system or the existence or placement of any of its equipment.

3-1.0360 NOTICE. Any notices to be sent to the parties hereto shall be sent to the following addresses: unless either party notifies the other in writing of another address:

Clerk
Town of Union
1506 N Town Hall Rd
Eau Claire, WI 54703

To any franchisee: Name and Address shown on franchisee's application, as amended from time to time.

3-1.0365 EMERGENCY USE OF FACILITIES. In the case of any emergency or disaster, the franchisee shall upon request of the Town, make available its facilities for emergency use during the emergency or disaster.

3-1.0370 PUBLIC RECORDS. The Town shall have access to records and other like materials of a franchisee upon reasonable prior notice as may be necessary or convenient for the enforcement of this ordinance or as mutually agreed upon by the Town and franchisee.

3-1.0375 ENFORCEMENT.

A. **TERMINATION OF FRANCHISE.**

1. The Town reserves the right to terminate and cancel any franchise and all rights and privileges of a franchisee hereunder in the event that the franchisee violates any provision of this franchise, provides materially false statements under Section 3-1.0285, becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or practices any fraud or deceit upon the Town.

2. Such termination and cancellation shall be by resolution duly adopted after 30 days written notice to the franchisee and public hearing at which the franchisee may present evidence and argument and shall in no way affect any of the Town's rights under this franchise or any provisions of law.

3. Prevention or delay of any performance under the franchise due to circumstances beyond the control of franchisee or Town including, but not limited to, natural disaster, employee strikes or war shall not be deemed noncompliance with or a violation of this franchise.

B. INJUNCTION AND NUISANCE. The Town may require a franchisee which is operating in violation of this ordinance to cease operating in the Town until such violation is stopped and prior violations are rectified. The Board may declare operation of a cable system in violation of this ordinance a public nuisance, and may abate such nuisance, as provided by law.

C. LATE PAYMENT PENALTIES. Each late payment shall be accompanied with a "Late Fee" listed in the Fee Schedule at the end of this code.

3-1.0380 FRANCHISE FEE. Each franchisee shall pay to the Town an annual franchise fee listed in the Fee Schedule at then end of this code which is collected for cable services rendered in the Town. Such payment shall be in addition to any other taxes or permit fees owed to the Town by the Grantee that are not included as franchise fee under federal law.

3-1.0385 PAYMENT OF FRANCHISE FEE. The franchise fee due the Town under this ordinance shall be computed and paid quarterly, based on the Grantee's fiscal year. Estimated franchise payment shall be made to the Treasurer within 45 days of the end of each of the first three quarters of the franchisee's fiscal year. The payment for the last quarter shall be made within 90 days of the conclusion thereof, may contain adjustments of prior quarterly payments for that year, and shall include a certificate by an independent Certified Public Accountant that the statement of gross revenue as defined herein is correct pursuant to applicable generally accepted accounting principles. As an alternative to such certificate, a franchisee may provide certified statements prepared by is staff, provided the Town, it accountants, auditors, attorneys, and agents, are permitted full access to the books and records of the franchisee for the purpose of verifying the statements so provided on the condition that they will keep confidential all information in said records not necessary to prove any claim made by the Town. The initial payment period, after a franchise is granted shall commence on the first day of the second calender month which begins after the franchise is issued. If the result of an audit ordered by the Town discloses underpayment because a franchisee under-reported its applicable gross revenue for its fiscal year by five percent or more, the franchisee shall pay the entire cost of the audit ordered by the Town.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 4 - CIGARETTE AND AMUSEMENT MACHINES**

3-1.0405 AMUSEMENT MACHINES - REGULATION AND LICENSING.

A. **DEFINITIONS.** The following words and phrases as hereunder defined shall apply to this title unless a different meaning is specifically afforded to the word or phrase or the context requires otherwise:

1. "Amusement Devices" means any machine or devise, coin-operated or for the operation of which a fee is charged, the operation or use of which involves a skill feature and which do not deliver, pay out or emit coins, tokens, coupons, tickets, receipts, chips or other things which may be redeemed, accepted or exchanged for money, merchandise or other thing of value or for use in operating any such amusement device.

2. "Coin-Operated Phonograph" means any phonograph designed to be operated by use of coin, token, slug or other thing.

3. "Operator-Possessor" means the person, firm or corporation operating or conducting the premises, as owner, lessee, tenant or otherwise, in which an amusement device or coin-operated phonograph is located or contained for use.

B. No operator-possessor, as herein defined, shall distribute, lease, install or set up any amusement device or coin-operated phonograph for use on any premises in the Town without first obtaining a license so to do as herein provided.

C. Any person, firm or corporation being an operator of an amusement device or coin-operated phonograph as herein defined shall make application to the Board for a license.

D. The license fee for operator's license shall listed on the Fee Schedule at the end of this code and shall be paid to the Treasurer at the time of filing the application for such license hereunder. Operator's license shall be granted only to persons of good moral character and qualified to do business within the state. Applicants shall consent in their application to reasonable inspection of their records and devices by a representative of the Town to determine compliance with this section.

E. The operator's license shall be issued in the name of operator-possessor and shall at all times be publicly and continuously displayed in such premises.

F. The license may be transferred to another location during the current license year and upon surrender and cancellation of the then existing license, a new license for the unexpired license period shall be issued.

G. The license period shall run from the 1st day of July to the 30th day of June of the succeeding year.

H. The Clerk shall provide appropriate forms of licenses and keep and maintain adequate records of the issue thereof as provided in this section.

I. As a condition of the license granted hereunder, the licensee or other qualified, competent person designated by the licensee shall be on the premises upon which are located licensed amusement devices at all times that such premises is open for business, for the purpose of maintaining order and decorum on the premises.

J. It is unlawful for any operator or possessor, as herein defined, or for any other person, firm or corporation to offer, advertise, make or give or award any prize, money or thing of value to any person for, through or by reason of the use or operation of any amusement device.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 5 - MOBILE HOMES, MOBILE HOME PARKS
AND MOBILE HOME FEES**

3.1-0505 DEFINITIONS.

A. "Dependent Mobile Home" means a mobile home which does not have complete bathroom facilities.

B. "Licensee" means any person licensed to operate and maintain a mobile home park under this section.

C. "Mobile Home" means a vehicle manufactured or assembled before June 15, 1976; designed to be towed as a single unit or in sections upon a highway and equipped and used or intended to be used primarily for human habitation; with walls of rigid uncollapsible construction; and which has an overall length in excess of forty-five feet (45').

D. "Manufactured Home" means a structure constructed after June 14, 1976 which is transportable in one or more sections; which in the traveling mode is 8 body feet or more in width or 40 body feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required facilities.

E. "Mobile Home Park" means any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

F. "Non-Dependent Mobile Home" means a mobile home equipped with complete bath and toilet facilities, all furniture, cooking, heating, appliances and complete year round facilities.

G. "Park" means mobile home park.

H. "Person" means any natural individual, firm, trust, partnership, association or corporation.

I. "Space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home unit.

J. "Unit" means a mobile home or a manufactured home.

3.1.0506 COUNTY JURISDICTION. In the event any part of this chapter covers matter also covered by an ordinance of Eau Claire County, the more strict provision shall apply.

3.1.0507 MOBILE HOME PARK REQUIREMENTS.

- A. The minimum park size shall be five acres.
- B. The maximum density shall be four lots per acre.
- C. No unit may be located closer than fifty feet (50') from the exterior boundary of the park.
- D. The park shall be properly drained, attractively landscaped and screened along the exterior boundary all in accordance with the site plan submitted and approved by the Board.
- E. Each park shall have a minimum of ½ acre recreation area for each 50 sites.
- F. These shall be the allowable uses:
 - 1. Units shall be for single families only; and
 - 2. Service buildings such as, offices, laundromats, convenience stores and recreation buildings shall be for use of park residents only. These buildings may not occupy more than five per cent of gross area of park.
- G. The following is prohibited in a Mobile home Park:
 - 1. Commercial sales of homes; and
 - 2. Occupancy of motor homes and camping trailers for residential use.
- H. Street and parking requirements:
 - 1. Every site within the park shall be served by one or more

private streets within the park;

2. Park entrances shall be located to avoid congestion and hazards on adjacent public streets.

3. Interior private streets shall be a minimum eighteen feet (18') wide and have a dust free surface.

4. Each site shall include improved parking spaces for at least two motor vehicles.

5. Utilities:

(a) Each park shall be served by a common or public water supply system capable of delivering 250 gallons per day to each home. All elements of the system must meet the requirements of all state and county ordinances and codes.

(b) The sewer system shall meet the requirements of Chapter DIHLR 83, Wisconsin Administrative Code, and the County Sanitary Code.

(c) Each site shall be served by buried electricity and telephone service, unless soil conditions require the use of overhead lines.

3-1.0510 MOBILE HOME PARKS - LICENSE AND REVOCATION OR SUSPENSION.

A. It shall be unlawful for any person to maintain or operate within the limits of the Town any mobile home park unless such person first obtains from the Town a license therefor.

B. Original application for mobile home park license shall be filed with the Clerk of the licensing authority. Applications shall be in writing, signed by the applicant and shall contain the following:

1. The name and address of the applicant.
2. The location and legal description of the mobile home park.

3. The complete plan of the park.

C. Accompanying and to be filed with an original application for a mobile home park shall be plans and specifications which shall be in compliance with all applicable Town and County ordinances and provisions of the Department of Health and Social Services.

D. When reviewing an application for a mobile home park license, the Board shall consider, along with all documents received and statements from the applicant and others, the site plan for the proposed park, its proximity to major traffic routes and shopping areas, its potential impact on schools, public services and public utilities, its compatibility with nearby land use, and its potential effect on the value of nearby properties.

E. The Clerk, after approval of the application by the Board and upon completion of the work according to the plans, shall issue the license. A mobile housing development harboring only non-dependent mobile homes as defined in Section 3.1-0505 (F) shall not be required to provide a service building.

F. Upon application by any licensee and after approval by the Board and upon payment of the annual license fee, the Clerk of the Town shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.

G. Upon application for a transfer of license and payment of the fee shown on the Fee Schedule at the end of this code, the Clerk shall issue a transfer.

H. The Clerk shall not issue any original or renewal license unless the operator has filed a bond assuring the Town of collection of the mobile home fees likely to be due during the term of the licensee. The bond may be issued by a bonding company believed to be a business in the State of Wisconsin or it may have two unrelated private sureties in which case said sureties shall demonstrate to the Clerk that each owns unencumbered property not exempt from execution which has a value equal or greater than the amount of the bond. If any marital property is to be counted, the spouse of the surety shall sign as an additional surety.

I. REVOCATION.

1. Any license granted under the provisions of this section shall be subject to revocation or suspension for cause by the Board upon complaint filed with the Clerk signed by any law enforcement officer, health officer or building inspector after a public hearing upon such complaint, provided that the holder of such license shall be given ten

days' notice in writing of such hearing and he shall be entitled to appear and be heard as to why such license shall not be revoked. Any holder of a license which is revoked or suspended by the Board may within 20 days of the date of such revocation or suspension appeal therefrom to the Circuit Court of Eau Claire County by filing a written notice of appeal with the Clerk together with a bond executed to the Town in the sum of \$500.00 with two sureties or a bonding company approved by said Clerk, conditioned for the faithful prosecution of such appeal and the payment of costs adjudged against him.

2. If used in this section, "cause" includes, but is not limited to, the following:

(a) The violation by the operator of any ordinance, statute, rule, regulation or license condition pertaining to the construction, operation or maintenance of the park.

(b) The existence of any condition at the park which violates any ordinances, statute, rule, regulation or license condition.

(c) The failure to pay when due any fee prescribed by this ordinance.

(d) The failure of the operator to enforce compliance within the park of any ordinance, statute, rule, regulation or license condition pertaining to said park.

3. The procedure for any hearing held under this paragraph shall be as follows:

(a) The Clerk shall notify the operator in writing, by letter mailed not less than 10 days prior to the date scheduled for a hearing, of the alleged violations, the name of the complainant and the date, time and place when the hearing will be held.

(b) The Chair shall chair the proceedings and the Clerk shall keep minutes of the hearing. A verbatim transcript is not required but interest parties are authorized to tape record or otherwise preserve a verbatim record of the proceedings.

(c) The complainant and all of his or her witnesses shall be heard and may be cross-examined by the park operator or his

representative. The park operator may then be heard presenting such evidence as he may desire and witnesses put forth by the park operator shall be subject to cross-examination by the complainant or his representative. The Board may question any of the parties.

(d) At the conclusion of evidence and argument, the Chair shall declare the hearing closed and the Board may retire to executive session for deliberation pursuant to Section 19.85 of the Wisconsin Statutes.

(e) In the event it is the decision of the Board to suspend or revoke the license of an operator, such suspension or revocation shall take place upon issuance of the order by the Board or at such other time as may be specified in said order.

3-1.0515 LICENSE FEES AND MONTHLY PARKING PERMIT FEE - REVIEW.

A. The licensee shall pay an annual license fee listed in the Fee Schedule at the end of this code.

B. In addition to the license fee provided in Paragraph A above, the Town shall collect from each mobile home occupying space or lots in a park in the Town, except from mobile homes that constitute improvements to real property under Section 70.043(1) of the Wisconsin Statutes and from recreational mobile homes and camping trailers as defined in Section 70.111(19) of the Wisconsin Statutes, a monthly parking permit fee computed as follows:

1. On January 1 the assessor shall determine the total fair market value of each mobile home in the taxation district subject to the monthly parking permit fee. The fair market value, minus the tax-exempt household furnishings thus established, shall be equate to the general level of assessment for the prior year on other real and personal property in the district. The value of each mobile home thus determined shall be multiplied by the general property gross tax rate less any credit rate under Section 79.10 of the Wisconsin Statutes established on the preceding year's assessment of general property. The total annual parking permit fee thus computed shall be divided by 12 and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to mobile homes moving into the tax district any time during the year.

2. The Park Operator shall furnish information to the Tax District Clerk and the Assessor on mobile homes added to the park within

five days after their arrival on forms prescribed by the Department of Revenue. As soon as the assessor receives the notice of an addition of a mobile home to a park, the assessor shall determine its fair market value and notify the Clerk of that determination. The Clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual parking permit fee thus determined by 12 and notify the mobile home owner of the monthly fee to be collected from the mobile home owner.

3. The mobile home park operator shall collect the monthly parking fee from the mobile home owner. The licensee of a park shall be liable for the monthly parking permit fee for any mobile home occupying space therein as well as the owner and occupant thereof.

4. Liability for payment of the fee shall begin on the first day of the next succeeding month and shall remain on the mobile home only for such months as the mobile home remains in the tax district.

5. A new fee and a new valuation shall be established and January and shall continue for that calendar year.

6. The valuation established shall be subject to review as are other values established under Chapter 70. If the Board of Review reduces a valuation on which previous monthly payments have been made, the tax district shall refund past excess fee payments.

7. The monthly parking permit fee shall be paid by the mobile home owner to the Treasurer on or before the 10th of the month following the month for which such parking permit fee is due.

8. No such fee shall be imposed for any space occupied by a recreational vehicle or a mobile home accompanied by an automobile for an accumulating period not to exceed 60 days in any 12 month period if the occupants of the mobile home are tourists or vacationists. Exemption certificates in duplicate shall be accepted by the Treasurer from qualified tourists or vacationists in lieu of monthly mobile home parking permit fees.

C. Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74.

D. A park operator who collects the monthly parking permit fee from mobile home owners may deduct, for administrative expenses, two percent of the monthly fees collected.

E. The Town shall retain ten percent of the monthly parking permit fees collected in each month without reduction for any amounts deducted under Paragraph E to cover the cost of administration. The Clerk shall pay to the school district in which the park is located within 20 days after the end of each month such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality. If the park is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total tax levy.

3-1.0520 SITING MOBILE HOMES AND MANUFACTURED HOMES IN THE TOWN OTHER THAN IN PARKS.

A. No person may park, locate or occupy a mobile home in the Town other than in a mobile home park except those which were occupied upon the date of adoption of this ordinance.

B. No person may park, locate or occupy a manufactured home in the Town other than in a mobile home park except under the following conditions:

1. Location and occupancy of the home are lawful under the Eau Claire County Zoning Ordinance and all necessary permits are obtained from Eau Claire County;

2. The manufactured home shall be placed on an adequate foundation meeting the Uniform Dwelling Code or be anchored according to the NCSBCS A225.1-1987 Standards;

3. If a manufactured home is anchored, it shall be skirted with a water-resistant material that is similar in style and appearance to the exterior siding of the manufactured home. The skirting shall be properly ventilated;

4. No reconditioned manufactured home located in the Town, outside of a mobile home park, unless it is certified by the United States Department of Housing and Urban Development after reconditioning. A manufactured home cannot be located in the Town outside of a mobile home park until a permit has been issued by the Town. When considering the issuance of a permit, the Board shall consider all relevant factors including, but not limited, the following:

(a) Vehicular access.

- (b) Surrounding land uses.
- (c) Availability of utilities.
- (d) Environmental factors.
- (e) Site location.

3-1.0525 MONTHLY PARKING PERMIT FEES ON MOBILE HOMES AND MANUFACTURED HOMES NOT SITED IN MOBILE HOME PARKS. If a mobile home or manufactured home is permitted to be located outside of a licensed park, the Town shall collect a monthly parking permit fee determined in accordance with Section 3-1.0515 (C) from the owner of the land on which it stands and the owner of such land shall be required to comply with the reporting requirements of Section 3-1.0515 (C). The owner of the land may collect the fee from the owner of the mobile home and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the six months ending on the last day of the month preceding the month when the transmission is required.

3-1.0530 PENALTY. Any person who fails to comply with the reporting requirements of Section 3-1.0515 (C) (2) and Section 3-1.0515 (D) of this ordinance shall be a Class E offense and subject to a forfeiture of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars, plus the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County jail until payment of such forfeiture and costs of prosecution is made but no for more than 90 days. Each day of violation shall constitute a separate offense.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 6 - DIRECT SELLERS**

3-1.0605 REGISTRATION. It shall be unlawful for any direct seller to engage in direct sales within the Town of Union without being registered for that purpose as provided herein.

3-1.0610 DEFINITIONS.

A. "Direct Seller" means any individual who, personally or for a partnership, association or corporation sells goods or services, or takes sales orders for the later delivery of goods or services, 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 or services includes donations required by the direct seller for the retention of goods or services 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 Article to said merchant, 1) has continuously operated an established place of business in this town, or 2) has continuously resided in this town and now does business from said 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.

E. "Clerk" shall be the Town Clerk.

F. "Services" shall include but not be limited to any act, work assistance, advice or consultation provided for another for pay or other consideration.

3-1.0615 EXEMPTIONS. The following shall be exempt from all provisions of this ordinance:

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 town and who delivers such goods in their regular course of business;
- E. Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by 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 holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- H. Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the clerk proof that such charitable organization is registered under §440.41 Stats., or proof that such charitable organization is exempt from such registration. Any charitable organization not registered under §440.41 Stats., and not exempt from that statute's registration requirements, shall be required to register under this ordinance.
- I. Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has leased for at least one year, or purchased, the premises from which the business is conducted, or proof that such person has conducted such business in this town for at least one year prior to the date complaint was made.
- J. Any person who acts as a direct seller at a private non-public premise, provided that another person, corporation, partnership, association or other entity has properly registered with the town pursuant to the terms of this ordinance, and where the "license" of such registrant is posted in a place on the premises clearly visible to the public.

3-1.0620 REGISTRATION.

A. Twenty-four (24) hours prior to registration, applicants for registration must complete and return to the clerk a registration form furnished by the clerk which shall require the following information:

1. Name, permanent address and telephone number, and temporary address, if any;
2. Age, height, weight, color of hair and eyes;
3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
4. Temporary address and telephone number from which business 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 the business;
8. Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
9. Place where applicant can be contacted for at least seven days after leaving this city;
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 years, the nature of the offense and the place of conviction.
11. Applicant shall list State Sellers Number, or Tax Exempt Number, or Federal Sellers Permit Number on the application.

B. Applicants shall present to the clerk for examination:

1. A driver's license or some other proof of identity as may be reasonably required;
2. A state certificate of examination and approval from the seller of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. A state health office'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 90 days prior to the date the application for license is made.

C. At the time the registration is returned, a fee, listed in the Fee Schedule at the end of this code, shall be paid to the clerk to cover the cost of processing said registration and other incidental costs. The applicant shall sign a statement appointing the clerk as agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally. Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of thirty (30) days from the date of entry, subject to subsequent refusal as provided in Sec. 3-1.0625(B).

D. At the time of registration, the clerk shall issue a numbered registration form entitled "license" to each applicant. If the applicant's business is to be conducted at only one location, said license must be displayed at all times such business is conducted in a place clearly visible to the public. All applicants who will conduct their business from place to place in the town shall also be issued a numbered paper license which must be displayed on their person in a place which is clearly visible to the public, during all times that they conduct such business.

3-1.0625 INVESTIGATION.

A. Upon receipt of each application, the clerk may refer it immediately to the Police Officer or County Sheriff who may make and complete an investigation of the statements made in such registration.

B. The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages

and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Sec. 3-1.0620(B) above.

3-1.0630 APPEAL. Any person denied registration may appeal the denial through the appeal procedure provided by ordinance or resolution of the Town Board, or, if none has been adopted, under the provisions of Sec. §68.06 through 68.16, Stats.

3-1.0635 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 8:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

2. A 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 the visit the seller's identity or the identity of the organization represented. 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 sales shall be solicited or made, nor shall advertising or goods be displayed on any public property except as authorized in writing by the government which owns such property.

5. No direct seller shall make any loud noises or use any sound amplifying device or use blinking, rotating, or oscillating lights to attract customers if the noise or visible effect produced is capable of being plainly heard or seen outside a one-hundred foot radius of the source.

6. No direct seller shall allow rubbish or litter to accumulate in or around the area in which business is conducted.

7. A direct seller shall display a valid license at all times when conducting business in a manner readily visible for examination.

8. The license number issued to a direct seller must appear in a clearly visible place in all printed or written advertisement used by the direct seller to promote business. Such number shall appear at the end of the following phrase: "Town of Union license no._____" All radio or television advertisement by a direct seller must also contain either a verbal or a written statement that the advertiser is licensed by the Town of Union, and must include that direct seller's number.

B. Disclosure Requirements.

1. After the initial greeting and before any other statement is made to a prospective customer, the name of the direct seller shall be disclosed, the name of the company or organization the seller is affiliated with, if any, and the identity of goods or services offered for sale.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction, if it involves the extension of credit or is a cash transaction of more than \$25.00, in accordance with the procedure as set forth in §423.203, Stats.; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of §423.203 (1) (a), (b), and (c), (2) and (3), Stats.

3. If the direct seller takes a sales order for the later delivery of goods, the seller shall, at the time the order is taken, provide a writing containing 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.

3-1.0640 RECORDS. The clerk shall note any violation of this ordinance on the record of the registrant convicted.

3-1.0645 REVOCATION OF REGISTRATION.

A. Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate

statement in the application 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 ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.

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

3-1.0650 PENALTY. Any person convicted of violating any provisions of this ordinance shall forfeit not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each violation plus costs of prosecution. Each violation shall constitute a separate offense.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 7 - SOLID WASTE COLLECTION AND LANDFILLS**

3-1.0710 SOLID WASTE COLLECTION. The provisions of this ordinance shall apply to any person, firm, or corporation collecting, transporting, dumping, or disposing of garbage, recyclables, refuse or rubbish within the Town; and shall supercede any and all previous ordinances or parts of ordinances with which it conflicts. Except for such conflicts, the effect of said ordinances shall be cumulative.

3-1.0720 LICENSE REQUIRED. Except for those persons who collect yard waste for disposal in other than a licensed landfill, No person, firm, or corporation shall collect, transport, dump or dispose of solid waste within the Town except upon license issued by the Board.

3-1.0725 LICENSE APPLICATION. An application for a license hereunder shall be made to the Board in writing; and shall include:

A. The name and address of the applicant; if the applicant is a corporation, the name and address of the corporation's principal officer and registered agent.

B. The legal description of any disposal site to be used by the licensee.

C. A copy of any license granted to the applicant by the Wisconsin Department of Natural Resources.

D. A certificate of inspection by the Eau Claire City/County Health Department for each vehicle to be used by the licensee, certifying that such vehicle complies with all applicable health regulations.

E. A certificate of insurance as described below.

F. The names and addresses of municipalities within the state which have issued to the applicants similar disposal licenses and a summary of the applicant's experience.

3-1.0730 TERM OF LICENSE. A license issued hereunder shall be for a term not to exceed one year, commencing with the date of issuance of the license and ending June 30th following. Such license may be renewed by the Town without further written application.

3-1.0735 LICENSE FEE. The applicant shall accompany his application with the annual license fee listed in the Fee Schedule at the end of this code. If the application is denied, the license fee shall be returned to the applicant.

3-1.0740 INSURANCE. Prior to issuance of the license, the applicant shall furnish to the Clerk a current certificate of insurance showing worker's compensation coverage and also showing that the operations of the applicant pursuant to the license will be covered by public and vehicle liability and property damage and indemnity insurance in the amount of \$1,000,000.00 for each death and injury; \$3,000,000.00 for all deaths or injuries occurring in a common accident (or \$3,000,000 single limit coverage); and \$300,000.00 for property damage liability. All licenses shall save the Town harmless from liability which may arise by reason of issuance of a license hereunder or operations of the licensee hereunder. Failure to provide or keep in force the insurance required hereunder shall automatically void the license issued hereunder.

3-1.0745 REFUSE DESTINATION. All refuse collected in the Town by a licensed hauler shall be deposited in a lawfully licensed location to receive such refuse.

3-1.0750 REVOCATION. The Board may revoke any license issued hereunder for cause upon three days notice to the licensee and after granting the opportunity to be heard before the Board. Cause shall include but not be limited to a violation of this ordinance or any other ordinance or state law or order regulating the disposal, dumping, or transporting of solid waste; or the creation of a public nuisance. If any license is revoked hereunder, the license fee shall not be returned to the applicant.

3-1.0755 MANDATORY COLLECTION OF RECYCLABLES. Any business or individual licensed, authorized or otherwise permitted to collect refuse in the Town shall collect and dispose of recyclables placed for collection on the curb by all customers living in single family homes and dwellings with two to four units. Such collection shall be at least twice a month and for so long as the County pays the hauler for collection of recyclables, there shall be no charge to the customer except for the charge for collecting refuse. The licensee shall also provide the customer, free of charge, with a minimum 18 gallon container that complies with Subsection 12.73.140A of the Eau Claire County Code, into which the customer may place the recyclables. For the purpose of this section, recyclables shall mean those materials as defined in Subsection 12.73.100A of the Eau Claire County Code.

3-1.0760 VOLUME BASED RATES. Each hauler shall provide volume based rate schedule for garbage service to be assessed on a per container basis with the base level of service not to exceed one 45 gallon container per week. The schedule and any revisions thereof shall be filed with the Municipal Clerk and County Solid Waste Coordinator prior to implementation or revision of said schedule.

3-1.0765 PENALTY. Any person, firm, or corporation who shall violate any provision of this ordinance shall upon conviction forfeit not less than \$500.00 nor more than \$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, for a term not to exceed 90 days. Each violation and each day of continued violation or each day a violation occurs shall constitute a separate offense.

3-1.0770 DEFINITION.

A. "Hauler" means any person, firm, or corporation licensed by the Town and authorized to collect refuse within the Town for deposit at a licensed landfill.

B. "Yard waste" means grass clippings, lawn rakings and leaves.

3-1.0775 PURPOSE. The Town recognizes that yard waste comprises a significant amount of the total volume of refuse deposited at any landfill. The Town further acknowledges that there is a need to preserve landfill space. To this end, Eau Claire County has adopted regulations prohibiting the deposit of yard wastes at the County landfill and requiring that users of the landfill shall adopt a program requiring the separation of yard wastes from other refuse. The Town finds the public health and welfare is served by minimizing, to the extent possible, the materials which are placed in the landfill. The intent of this ordinance is to further the goal of having no yard waste deposited in the landfill, thus conserving this valuable asset.

3-1.0780 SEPARATION. All persons whose refuse is disposed of at a licensed landfill shall separate yard waste from all other refuse.

3-1.0785 NO COLLECTION OR DEPOSIT. No person shall place any yard waste for collection or deposit in any landfill. No hauler shall collect any yard waste for deposit at a landfill.

3-1.0790 REFUSAL OF SERVICE. Any yard waste placed for collection not in accordance with the provisions of this section shall be refused by the hauler.

3-1.0793 PENALTY. Any person who violates a provision of this section shall, upon conviction, forfeit:

A. Not less than \$10.00 and not more than \$25.00 for the first conviction within one year;

B. Upon the second conviction within one year, not less than \$25.00 nor more than \$50.00;

C. Upon the third conviction within one year, not less than \$50.00 nor more than \$100.00;

D. Upon the fourth and subsequent convictions within one year, not less than \$100.00 nor more than \$250.00.

The license of any licensed hauler who violates this section may be suspended or revoked by the Town in addition to the imposition of a penalty under this subsection.

The owners and operators of multiple-family dwellings and mobile home parks shall provide facilities for the separation of yard waste by the residents of such dwellings.

3-1.0795 LANDFILL SITING.

A. No land shall be used, within the Town as a Sanitary Land Fill without permission from the Board or at the Annual Town meeting.

B. Permission for operation of a sanitary Land Fill May be issued by the Board at its discretion. Said permission shall be on an annual basis and the cost of said permission shall be at the rate of \$100.00 per acre.

C. Any person, Corporation or municipal entity who fails to comply with the provision of this ordinance shall, upon such failure thereof, forfeit not less than \$100.00 nor more than \$250.00 and in default of said payment of forfeiture and costs shall be imprisoned in the County Jail of Eau Claire County until payment thereof, but not exceeding 30 days. Each violation exists or continues shall constitute separate offenses.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 8 - JUNKED OR UNLICENSED VEHICLES, MACHINERY AND
PARTS THEREOF**

3-1.0805 PERMIT REQUIRED. No person, firm, partnership or corporation shall accumulate or store any unlicensed or junked vehicles, machinery, or parts thereof, outside of any building on any real estate located in the Town, except in compliance with all applicable ordinances of Eau Claire County. See Nuisance Section for penalty (2.1-1.0410).

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 9 -RECYCLING CENTER**

3-1.0905 DEFINITIONS. For the purpose of this chapter:

A. “Recyclable Material” means any material that has been determined to be recyclable by the State of WI Recycling Act and has been banned from the Eau Claire County Landfill.

B. “Real Estate” means the plot of land and improvements described as a parcel in the assessment roll on which the center is located.

C. “Screened” means hidden from view by;

1. Fencing of durable materials and construction properly maintained,

2. Buildings,

3. Contour of Earth, or

4. By natural cover of sufficient density to restrict the view year around.

D. “Center” means any location that deals in recycling materials.

3-1.0910 LICENSE REQUIRED. It is unlawful to operate a “Center” without a license.

3-1.0915 LICENSE FEE. The license fee hereunder shall be as listed in the Fee Schedule at the end of this code. Licenses issued to “Existing Centers” shall be at the renewal rate. If no action is taken by the Board the license fee shall remain the same as the previous year.

3-1.0920 LICENSE GRANTING AUTHORITY. The Board shall be the granting authority for licenses which:

A. Are not transferable from person to person.

B. May be amended for change of "Real Estate".

3-1.0922 LICENSE APPLICATIONS. The application and license shall contain the following;

- A. The name of the applicant, owner and/or operator;
- B. Address and telephone number of applicant;
- C. Real Estate parcel to be licensed, (legal disc.);
- D. Age of applicant (compliance with Chapter 103 WI SS);
- E. Quantity and manner of storage;
- F. Projected life of business on parcel; and
- G. A site plan and building which will include screening subject to Board approval.

3-1.0925 LICENSE COMPLIANCE REQUIREMENTS.

- A. All materials and scrap metals outside of a building shall be screened from view.
- B. Business signs and advertising shall be limited to name of business, type of business, business hours and telephone number.
- C. Comply with fire safety requirements as determined by the Township Fire Department.
- D. Comply with all requirements and orders of state, federal, county and town regulations.
- E. Maintain adequate public liability insurance as determined by the Board.
- F. Maintain control to prevent trespassing, and prevent littering and

nuisance to adjacent property.

G. Arrange material and scrap metal in neatly arranged rows wide enough to allow fire equipment to drive between.

H. Agree to allow the Board or its designee to inspect the "Center" upon an eight hour notice.

I. "Site Plan" shall be subject to approval of the Board and shall include but not be limited to the following:

1. Employee parking.
2. Trailer parking and number of stalls.
3. Retail drop off bins.
4. Location of storage areas for:
 - (a) Hazardous substance such as batteries and other toxic, corrosive, flammable irritants, strong sensitizers, or explosives.
5. Landscaping plan including screening both natural or fencing.
6. Building locations.
7. Storm drainage plan.

J. Daily inspection and clean up of "Center"

K. Noise emanating from property cannot exceed 60 decibels at the property line as averaged over any one hour as measured by the City/County Health Department or as acceptable by the Occupational Health and Safety Act [OSHA].

L. All interior drains shall be directed to a septic system approved by the City/County Health Department. Vehicle washing shall be in compliance

with all City/County Health Department regulations and/or guidelines.

3-1.0930 LICENSE DISPLAY. License issued under this ordinance shall be displayed at all times in a conspicuous place on the parcel for which it was issued.

3-1.0935 LICENSE LIMITED. License shall be limited to one Recycling Center License.

3-1.0940 LICENSE-REVOCATION-HEARING. Any license issued hereunder may be revoked or suspended at any time by the Board after a hearing at which it has been found that the licensee has failed to comply with the provisions of this chapter. The complaint shall state the nature of the alleged failure to comply with the provisions hereof. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten days previous to the date of the hearing.

3-1.0945 VIOLATION-PENALTY. Any person, firm, or corporation violating any of the provisions of this chapter shall be a Class D offense and shall forfeit not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense. Each day that the violation of this ordinance exists shall be considered a separate and distinct offense. In default of payment of said fine shall result in imprisonment in the County Jail for a period not exceeding 30 days.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 10 - MOTOR VEHICLE SALVAGE YARD**

3-1.1005 DEFINITIONS.

A. "Motor Vehicle Salvage Yard" means a parcel of real estate on which motor vehicles or motor vehicle parts are stored or collected for the purpose of dismantling, salvaging, or demolition and subsequent sale. An aggregation of frames, bodies or parts from ten or more motor vehicles shall constitute a motor vehicle salvage yard, hereinafter referred to as "Yard".

B. "Motor Vehicle" includes but is not limited to water craft, automobiles, trucks, tractors, motorcycles, snowmobiles, all terrain vehicles, buses, trailers, semi-trailers or any other motorized or mobile vehicle or conveyance.

C. "Motor Vehicle Part" means any part from any motor vehicle including batteries and tires.

D. "Real Estate" means the plot of land and improvements as described as a parcel in the assessment roll on which the Yard is located.

E. "Screened" means hidden from view by:

1. Fencing of durable materials and construction properly maintained.
2. Buildings.
3. Contour of earth.
4. By natural cover of sufficient density to restrict the view year around.

F. "Existing Yards" means yards in existence and licensed by the Department of Administration, State of Wisconsin, at the time this ordinance is adopted.

3-1.1010 LICENSE REQUIRED. It is unlawful to operate a "Yard" outside of a building without a license.

3-1.1015 LICENSE FEE. The license fee hereunder shall be as listed in the Fee Schedule at the end of this code. The initial license issued to "Existing Yards" shall be at the renewal rate.

3-1.1020 LICENSE GRANTING AUTHORITY. The Board shall be the granting authority for licenses which:

A. Are not transferrable from person to person, except that they may be transferred to a corporation, limited liability company, or partnership of which the licensee owns more than fifty percent and which the licensee controls.

B. May not be transferred from the real estate described in the application."

3-1.1025 LICENSE APPLICATIONS. The application and license shall contain the following:

A. The name of the applicant, owner and/or operator, who must be an adult.

B. Address and telephone number of applicant.

C. Full legal description of the real estate parcel to be licensed.

D. Evidence of ownership of the Real Estate, and satisfactory evidence of the applicant's right to use the Real Estate for a yard.

E. Quantity and manner of storage.

F. Projected life of business on parcel.

G. A screening plan.

3-1.1030 LICENSE COMPLIANCE REQUIREMENTS.

A. "Motor Vehicles" and "Motor Vehicle Parts" must be screened from view in a lawful manner approved by the Board.

B. Business signs and advertising on the Real Estate shall comply with all applicable zoning restrictions.

C. Comply with fire safety requirements as determined by the Township Fire Department.

D. Comply with all laws, regulations, and orders of state, federal, county and town governments.

E. Maintain adequate public liability insurance as determined by the Board.

F. Maintain control to prevent trespassing and prevent littering and nuisances to adjacent property.

G. Arrange "Motor Vehicles and Parts" in neatly arranged rows.

H. Agree to allow the Board or its designee to inspect the "Yard" at any time during business hours, or at other times upon an eight hour notice.

I. Comply with all orders of the Board with regard to screening the yard.

3-1.1035 LICENSE DISPLAY. License issued under this ordinance shall be displayed at all times in a conspicuous place on the parcel for which is was issued.

3-1.1040 LICENSING OF EXISTING YARDS. An "Existing Yard" shall obtain a license or cease operations within one year of publication of this ordinance. Provided the applicant presents the Board with a sound plan for full compliance with this ordinance at the time of initial application, the Board may defer compliance with some of the requirements of this ordinance for up to one year.

3-1.1045 LICENSE LIMITED. No more than three licenses shall be granted under this ordinance. However, all "Existing Yards" at the time this ordinance

is adopted are eligible for licensing. If there are more than three "Existing Yards" at the time of adoption of this ordinance, no new Real Estate may be licensed until the total of licensed yards shall be three or fewer.

3-1.1050 LICENSE-REVOCATION-HEARING. Any license issued hereunder may be revoked or suspended at any time by the Board after a hearing at which it has been found that the licensee has failed or refused to comply with any provisions of this article. Such hearing may be held by the Board upon its own motion or upon the complaint in writing duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with the provisions hereof. A copy of the complaint, together with a notice of hearing, shall be served upon the licensee not less than ten days previous to the date of the hearing.

3-1.1055 VIOLATION-PENALTY. Any person, firm, or corporation violating any of the provisions of this chapter shall forfeit not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that the violation of this ordinance exists shall be considered a separate and distinct offense. In default of payment of said fine shall result in imprisonment in the County Jail for a period not exceeding 30 days.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 1 - BUSINESS REGULATIONS
ARTICLE 11 - FEES AND LICENSES**

3-1.1105 DENIAL - DELINQUENT TAXES.

A. **PREMISES.** No initial or renewal business, fermented malt beverage, or alcohol beverage license or permit shall be issued for any premises for which local taxes, assessments or other claims due to the Town are delinquent and unpaid.

B. **PERSONS.** No initial or renewal business, fermented malt beverage, or alcohol beverage license or permit shall be issued by the Town to any person:

1. Delinquent in payment of local taxes, assessments, or other claims due to the Town; or

2. Delinquent in payment of a forfeiture resulting from a violation of any ordinance of the Town.

C. **NOTICE.** Applicants for renewal of a license or permit shall be afforded notice when a license renewal is denied on the basis of delinquent local taxes, and may apply for an appeal hearing on the matter within 20 days of receipt of said notice.

**TITLE 3 - COMMUNITY ENVIRONMENT
CHAPTER 2 - PARKS AND RECREATION
ARTICLE 1 - PARKS AND FORESTS**

3-2.0105 PURPOSE. This chapter shall prescribe rules and regulations for the establishment, protection, development and management of parks and forests of the Town of Union so as to provide the associated benefits of soil and water conservation, scenic value, and recreational benefit

3-2.0110 SCOPE. Except as provided otherwise herein, the provisions of this chapter shall apply to all lands, structures, and property owned, leased or administered by the Town for forest, park and special use purposes under the management, supervision and control of the Board.

3-2.0115 PARK USE REGULATIONS.

A. All parks, special use areas and forests shall be open to the public throughout the year during the hours between 6:00 a.m. and 11:00 p.m. each day. No person may enter or be on such lands outside of those hours.

B. It shall be unlawful to use or possess any glass containers in any park, forest or special use property of the Town.

C. Camping in any park, forest or special use area is prohibited

3-2.0120 INSTALLATION, PUBLIC UTILITIES AND PRIVATE CONSTRUCTION. The location of all public and private utilities, structures, lines and pipes within any park, forest or special use area shall be subject to the control of the Board, and their construction, erection, repair, or relocation shall be undertaken only after written consent from the Board.

3-2.0125 PEDDLING AND SOLICITING. It is unlawful for any person to peddle or solicit business of any nature, to distribute handbills or other advertising matter, or to post signs, posters, or decorations on any lands or structures under the jurisdiction this ordinance, for any purposes whatsoever,

3-2.0130 PERSONAL CONDUCT. It is unlawful for any person to engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

3-2.0135 DESTRUCTION, DEFACEMENT OR REMOVAL. It is unlawful for

any person to disturb, vandalize, damage, deface, remove, or destroy any trees, shrubs, plants, rock, gravel, sand, dirt, or other natural material, to carve, paint or mark, on any rocks, archeological or geological features, signs, walls or structures, to drive nails into trees, or to move, injure, or deface in any manner any structure, including buildings, signs, fences, tables, or other park property except with the approval of the Board. This prohibition shall not include the picking of edible fruits, nuts and fungi.

3-2.0140 TRESPASS AND TAMPERING. It is unlawful for any person to enter any buildings, installation, or area which may be under construction, locked or closed to public use or to tamper with, use or damage any water control structure, or culvert, or to enter or be upon any building, installation, or area after the posted closing time, or before the posted opening time, or contrary to other posted notices in any park, forest, or special use area.

3-2.0145 CLEANING AND REFUSE.

A. **WASHING.** The washing of persons, pets, cooking utensils or clothing, as well as the cleaning of fish and game, is prohibited in all of the rivers and streams, or any picnic grounds, playgrounds, recreation areas, or within fifty feet (50') of any pump, fountain, or drinking water outlet in any park, forest or special use area.

B. **REFUSE.**

1. It is unlawful for any person to dispose of any garbage, sewage, bottles, cans, paper, or other waste material, or to dump any refuse in any park, forest or special use area, in any manner except by placing the same in receptacles provided for such purposes.

2. Charcoal residue shall not be discarded onto any grounds, nor into any containers other than those designated for such purpose.

3. It is unlawful for any person to dispose of any personal household garbage in any refuse container provided by the Town in any park, forest, or special use area.

3-2.0150 VEHICULAR TRAFFIC. No person shall operate any vehicle, ATV, motor bike, motor cycle, bicycle, snowmobile or automobile in any park, forest or special use area without the written authorization of the Board. This section of this ordinance does not apply to Emergency Vehicles used in accordance with fire suppression, emergency medical services, law enforcement and search and rescue or training of such disciplines.

3-2.0155 FIRES. It is unlawful within any park, forest or special use area for any person to start, tend or maintain any fire except for cooking and lawful camp fires. It is also unlawful for any person to leave unattended or abandon any fire, to discard any matches, cigarettes, cigars, pipe ashes or embers without first extinguishing them. The burning of any items other than dry, untreated wood products is also prohibited

3-2.0160 FIREWORKS, ROCKETS, EXPLOSIVE DEVICES. It is unlawful for any person to possess, fire, discharge, explode or set off any squib, cracker or other explosive or pyrotechnic device containing powder or other combustible or explosive material within the boundaries of any park, forest or special use areas.

3-2.0165 FIREARMS AND BOWS. It is unlawful for any person to have in his or her possession or under his or her control in any park, or special use area any firearm or air-gun as defined in Wis. Stat. 939.22(2) or other device that impels by force any object of any kind unless it is unloaded and enclosed in a carrying case, or any bow, crossbow or slingshot unless it is unstrung and enclosed in a carrying case.

3-2.0170 PETS. It is unlawful for any person to allow pet animals to enter any public building, picnic ground or playground within any park, forest or special use area, or to allow them to run at large at any time in parks, forest or special use areas. Subject to the conditions expressed such animals shall be permitted, provided that they are kept on a leash no longer than eight feet (8') and under the owner's control at all times. The owner or person in charge of an animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal. Persons shall not allow their pet animals to deprive or disrupt the enjoyment or use of any area by other persons. Pets may be allowed to run at large in specified forests upon resolution by the Board.

3-2.0175 HORSES. It is unlawful for any person to ride or possess a horse in any park, forest or special use area. Horses may be allowed in specified forests or special use areas upon resolution by the Board.

3-2.0180 HUNTING AND TRAPPING. It is unlawful for any person to take, catch, kill, hunt, trap, pursue, or otherwise capture any wild animals or birds in any park, forest or special use area. Hunting by the general public may be allowed in specified forests upon resolution by the Board.

3-2.0185 TIMBER CUTTING.

A. Cultural cuttings shall include thinning, release cuttings, sanitation cuttings and improvement cuttings to remove trees of inferior species, form, or condition for the purpose of stand improvement. All cultural

cuttings in the forest shall be approved by the Board, in accordance with recommendations from the staff of the Wisconsin Department of Natural Resources. Materials cut in such operations by crews employed by the Town may be used by the Town or given to others for their use, or sold, as determined by the Board. When given, or sold, to others, the latter shall pay the Town a sum not less than prevailing average stumpage rates.

B. Salvage cuttings shall include the cutting of timber damaged by fire, storm, insect or disease. Salvage cutting shall be done under the procedure specified for cultural cutting or for commercial cutting, as established by the Board.

C. Commercial cuttings shall include all cuttings where stumpage is sold under contract in which the primary objective of the cutting is the marketing of the timber products, including logs, ties, poles, posts, pulpwood, piling, Christmas trees and boughs, or other forest products.

3-2.0190 ENFORCEMENT. The Board, any Sheriff, Deputy Sheriff of Eau Claire County and any other person appointed by the Board is authorized to enforce the provisions of this ordinance.

3-2.0195 PENALTIES. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$100 or more than \$250 plus the cost of prosecution. Penalties are doubled for second and subsequent offense.

TITLE 4 - PUBLIC WORKS
CHAPTER 1 - DEPARTMENT OF PUBLIC WORKS
ARTICLE 1 - GENERAL PROVISIONS

(Reserved for Future Use)

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 1 - STREET REGULATIONS**

4-2.0105 PURPOSE. The purpose of this article is to regulate the use of Town roads and streets, hereinafter called streets, in the Town for the safety and convenience of the public.

4-2.0110 FIRES IN STREETS. It is unlawful for any person to burn any rubbish, leaves or other combustible material in any street or alley in the Town. (Class D - \$25.00)

4-2.0115 PLAYING GAMES. No person or persons shall take part in any game of ball on a street or alley, nor shall by person or persons take part in tossing or throwing a ball, flying a kite or in any other game of play on any public street or alley which shall tend to impede or endanger public travel thereon, which may be dangerous to the safety of such person or persons or which may be contrary to the interests of public safety. (Class E - \$10.00)

4-2.0120 SKATEBOARDS, ROLLER SKATES, AND ROLLER SKIS.

A. It shall be unlawful for any person to operate or ride a skateboard, roller skates, or roller skis in any of the following places:

1. On any street.
2. On any sidewalk in the business district. For purposes of this section, a business district shall be defined as any area primarily commercial in nature.
3. In any public parking ramp or parking lot.
4. On private property, unless permission has been received from the owner, lessee or person in charge of that property.

B. Operators or riders of skateboards, roller skates, or roller skis shall yield the right-of-way to other pedestrians using Town sidewalks, and shall not otherwise endanger or interfere with normal pedestrians traffic on those sidewalks.

4-2.0125 WARNING LIGHTS REQUIRED. Every person, firm or corporation or the agent of any person, firm or corporation who receives permission from the

Town Road Commissioner to place any building materials or other obstructions upon any street or highway in the Town shall place and maintain upon or around such material or other obstructions each night from time of sunset until time of sunrise, sufficient lights to warn all persons riding, driving, or passing along said street or highway of the presence of such material or obstruction. (Class D - \$50.00)

4-2.0130 TAMPERING WITH BARRICADES OR LIGHTS. No person or persons shall knock down, destroy or injure any barrier, light or other protection in and upon streets, alleys and public places under construction or improvement in the Town; nor shall any person walk, drive upon, or in any way injure, disfigure, or destroy any pavement upon any street, alley or public place not opened by the road commissioner for public use or travel; nor shall any person knock down, destroy or injure any manhole, water hydrant, or catch basin in or upon any streets.

4-2.0135 OBSTRUCTING, LITTERING, VEGETATION CONTROL.

A. No person shall place, deposit or cast or cause to be placed, deposited, or cast upon any street, alley, gutter, sidewalk or public ground within the Town any grass clippings, leaves, ashes, rubbish, paper, snow or ice or anything or substance whatever which may obstruct any such street, alley, gutter, sidewalk or public ground, or impede, hinder, or endanger travel thereon, or which shall or may injure or disfigure the same, or tend to the injury or disfigurement thereof, or tend to render the same unclean or a nuisance; nor shall any person cause or suffer any motor vehicle or other vehicle, or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any such street, alley, sidewalk or public ground longer than may be actually necessary. (Class D - \$25.00)

B. No person shall permit any vegetation growing on premises owned or controlled by him or her to obstruct or impede, hinder, or endanger travel upon any street, sidewalk or alley under like penalty. (Class E - \$10.00)

C. No person shall place or cause or permit another to place snow or ice anywhere upon a Town owned right-of-way at a location or at a height or depth that said snow or ice interferes with or impedes Town snow clearance operations or which causes damage or injury to any Town equipment or personnel. (Class D - \$25.00).

4-2.0140 CLEANING OF SNOW AND ICE REQUIRED.

A. The owner of every lot or parcel of land shall keep the public sidewalk adjacent to said premises reasonably clear and free from snow and ice and shall clear the snow from such sidewalk within 24 hours following a snowfall. (Class D - \$25.00)

B. Upon the failure of an owner to clear any sidewalk as required under this section, the Town shall cause the sidewalk to be so tax chargeable to such lot or parcel of land to be collected like other taxes upon real estate as prescribed in Wisconsin Statutes 66.0627.

4-2.0145 INJURE OR TEARING UP PAVEMENT.

A. No person may injure or tear up any pavement, sidewalk, crosswalk, ditch, boulevard, drain, or sewer or any part thereof, or dig any hole, ditch or drain in any highway right-of-way, or excavate in or place an obstruction in any such highway right-of-way, or remove any gravel, sod, sand or pavement from any highway right-of-way unless such person has first obtained a permit therefore.

B. The Chair or Clerk is authorized to issue, pursuant to Section 86.07 (2), Wisconsin Statutes, to any qualified person who applies for a permit under this ordinance, an excavation permit. The Chair or Clerk may impose conditions on such permit consistent with the terms of this ordinance. Any person aggrieved by the denial of such permit or the imposition of conditions thereon, may appeal to the Board.

C. An excavation or construction permit may be issued to the following persons:

1. To any person previously using the highway right-of-way lawfully for the provision of services through buried or overhead facilities, for the repair, maintenance or reconstruction of such facilities;

2. To any person for the purpose of installing new underground or overhead facilities in those areas of the Town where such person is lawfully authorized to provide such service. Such lawful authorization shall be by the Board, unless such authorization arises by permit or order of the Public Service Commission of the State of Wisconsin, or by operation of Section 196.495 of the Wisconsin Statutes.

D. While granting such a permit, the Chair or Clerk shall impose such conditions as he or she considers necessary and appropriate for the preservation of access to adjoining property, the provision of emergency services, the protection of public safety, and the coordination of planned construction or maintenance by the Town or by other authorized users of the right-of-way.

E. Permit applications shall be filed prior to the proposed construction or excavation as set forth below except as permitted by the Chair or Board:

1. Emergency repairs - no limit;
 2. Individual service lateral or drop from existing facilities - three days;
 3. Regular or scheduled maintenance or inspection - 30 days;
- and
4. Reconstruction of existing facilities or construction of new facilities - six months.

F. Except as provide in Paragraph 4 below, whenever a permit has been granted to any person to excavate or install facilities within any highway right-of-way, such person shall restore the same to a condition as good as it was before.

G. If permitted construction will result in the destruction of more than fifty percent of the existing pavement for 50 or more linear feet measured on the centerline of the right-of-way, the entire roadway in the disturbed area shall be replaced by the permittee. Such replacement and any repairs or patching shall meet minimum Town road standards in effect at the time the permit is granted or, if the previous construction of the disturbed areas exceeded those standards, the replacement shall be equal to or better than the roadway replaced. If required in advance of construction, the permittee, unless excused by the Board or the Chair pursuant to policies adopted by the Board, shall file a completion bond issued by a surety company licensed in the State of Wisconsin assuring completion and reconstruction according to the terms of the permit.

H. As a condition of any permit issued pursuant to this ordinance, the applicant shall:

1. Indemnify the Town and hold the Town harmless for any damages, claims, causes of action, losses or liability resulting from the exercise of this permit. The Chair or the Clerk may require from such applicant a certificate of insurance or other evidence of the financial ability of the applicant to meet its obligations under this provision.
2. Provide to all parcels of land in the Town abutting the portion of Town Road to be disturbed, the use of any utility or utility service installed therein. No such utility service shall be available to such abutting parcel until the owner or occupant thereof requests said service, pays for installation of said utility service on the same basis as that imposed on the majority of the existing customers of said utility, and pays for the utility service provided. There may be no other conditions for the

provision of service except that said utility service may be denied if providing the same would result in actual, rather than speculative, danger to public health or safety or danger to the health or safety of the occupants of the parcel.

I. Whenever any person disturbs or excavates within a Town Road Right-of-way, or restores or reconstructs a Town Road, such person shall cause the resulting roadway, shoulder and ditch to accommodate and conduct surface waters in such a manner that the Town Road and properties which drain to or toward the affected area, and properties downstream from the affected area, are not adversely affected because of said disturbance, excavation, restoration or reconstruction.

J. **DEFINITIONS.**

1. For the purpose of this ordinance, "utility" shall mean the person providing, and "utility service" shall mean the provision of: energy, including but not limited to electricity and gas, electronic signals, including but not limited to telephone and television, water, sanitary sewer, and storm sewer.

2. For the purpose of this ordinance, "construction" does not include the construction of overhead facilities on or from existing poles, or the placement of new poles in substantially the same location as poles being replaced.

3. For the purpose of this ordinance, "person" includes individuals, partnerships, limited liability companies, corporations, cooperatives, regulated and unregulated public utilities, governments, public bodies, municipal and quasis-municipal corporations, and any subdivisions, agencies, units, or subunits thereof.

K. Any person who violates this ordinance shall forfeit not less than \$500.00 nor more than \$1,000.00, together with the costs of prosecution, for each offense. Each day during which a continuing offense exists, shall constitute a separate offense.

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 2 - BUILDING NUMBERING**

4-2.0205 PURPOSE. The purpose of this article is to provide for a uniform program for the numbering of buildings in the Town for the safety and convenience of the public.

4-2.0210 ASSIGNING OF NUMBERS.

A. The person designated by the Board shall be responsible for the assignment of building numbers to each new lot created by a certified survey map or final plat on the official building numbering book.

B. At least on a monthly basis, a list of building permits issued for principle buildings or structures, such as residential homes or commercial buildings, by the County Department of Planning and Development, shall be obtained and a notice shall be sent to the owner on record informing him of the number assigned and the requirements of this article.

4-2.0215 DISPLAY AND MAINTENANCE OF NUMBERS.

A. After a building number has been determined, the Town or the Township Fire Department will place a post with the number on it where it can be easily seen from the road. The property owner shall maintain the post and sign.

B. Property owners may also place the assigned building number on the building and on the mailbox for the building.

4-2.0220 OFFICIAL BUILDING NUMBERING BOOK. Numbers for all principle buildings and structures and for all lots created by final plats and certified survey maps shall be shown on the Official Building Numbering Book which is hereby adopted by reference and declared to be a part of this article. The Official Building Numbering Book shall be identified by the signature of the Chair and the application of the Town seal under the following words: "This is to certify that this is the Official Building Numbering Book as referred to in Section 4-2.0220 of the Municipal Code the Town of Union".

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 3 - NAMING OF STREETS**

(Reserved for Future Use)

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 4 - VACATION AND DISPOSAL**

4-2.0405 UTILITY RESERVATION.

A. Whenever the Board shall, by resolution, order any street, alley, highway or any part thereof vacated, after due procedure, it shall be upon the condition that such vacated street or alley or part thereof be charged with a reservation or the right of the Town or any public utility to enter upon the same to install, repair, maintain or relocate any public utilities or accessories. Said reservation of right shall apply to presently located or any that may hereafter be installed.

B. Subsection "A" hereof shall apply to all street and alley vacations whether or not such resolution shall contain said reservation clause.

4-2.0410 VACATION-FEE. The petition for the vacation and discontinuance of any highway, street or part thereof within the Town shall be filed in the office of the Clerk. The petitioner or petitioners shall at the time of filing the petition pay to the Clerk a filing fee listed in the Fee Schedule at the end of this code. Prior to the holding of any hearing thereon, the petitioner or petitioners shall make payment to the Town in the amount equal to all costs incurred, or reasonably anticipated to be incurred, by the Town in connection with the publication and service of notices and the filing of papers and documents in connection therewith. The filing fee previously paid shall be applied toward the payment of such costs.

TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 5 - STREET CONSTRUCTION AND SUBDIVISION REVIEW

4-2.0505 No person shall file a plat or certified survey map, pursuant to Chapter 236 of the Wisconsin Statutes, affecting lands in the Town, Eau Claire County, Wisconsin, unless all streets and roads to be dedicated to the public have been constructed and approved pursuant to this article or construction has been deferred in compliance with Section 4-2.0560 below.

4-2.0510 The Board will not accept dedication of any other street or road unless it was constructed and approved pursuant to this article or Section 4-2.0560 below has been complied with.

4-2.0515 No plat or certified survey map shall be approved by the Board unless the subdivider first submits a preliminary plat or preliminary certified survey map which shall be processed in accordance with Section 236.11(1) of the Wisconsin Statutes.

4-2.0520 ROAD PLANS.

A. The following documents shall be submitted to the Board before approval of any road:

1. A scale drawing of the location of the proposed road and the area it will serve. The drawing shall contain contours at vertical intervals of not more than two feet (2') showing the topography of the road and the area served, and shall indicate how runoff from the area served will be diverted from the road.

2. If the proposed road is not located within a platted subdivision, a certified survey map of the location of the proposed road and the area served.

B. In addition to the foregoing, the Board may require the submission of either or both of the following additional documents before construction of the road is undertaken:

1. A profile drawing of the centerline of the proposed road, drawn to scale, showing the grade of the road.

2. A cross-section drawing of the road, drawn to scale, showing the cut and fill areas.

4-2.0525 MINIMUM DESIGN STANDARDS. The road shall conform to the minimum Town road standards and specifications contained in the Wisconsin Statutes, the Wisconsin Administrative Code and publications issued by the State Department of Transportation.

4-2.0530 The following standards, or Town road standards established by the State of Wisconsin, shall be met or exceeded by all public highways, streets and roads, hereinafter constructed in the Town, unless modified by the Board for good cause shown. Whenever there is a conflict between any particular standard of the Town and a corresponding standard of the state, the more strict standard shall apply.

A. Road Right-of-Way 66 feet (4 rods)

B. Right-of-Way Width (sub grade) ... 28 feet

C. Roadway Width (base course) 26 feet

D. Traffic Lanes (surfaced area) 22 feet

E. Maximum Grade 10 percent

F. No road shall dead-end without a permanent or temporary cul-de-sac with a right-of-way radius of fifty-five feet (55') and a pavement radius of forty-five feet (45').

4-2.0535 DITCHES.

A. All ditches shall be seeded, sodded or provided with sodded check dams at discretion of the Board.

B. All portions of the right-of-way beyond the edge of the base course that are disturbed at the time of construction shall be properly seeded or sodded to prevent erosion.

C. No trees or stumps may be placed or left in any fill.

4-2.0540 BRIDGES AND CULVERTS.

A. Culverts shall conform to the minimum design standards contained

in the Wisconsin Statutes, the Wisconsin Administrative Code, and publications issued by the State Department of Transportation. In addition, in every case the Board shall determine whether culverts are large enough to drain off the anticipated service area during heavy runoff and prevent ponding. The Board may require drainage calculations prior to the placement of any culvert.

B. The Board may require drainage calculations for any culvert placement, costs of which shall be borne by the subdivider.

C. All bridges shall conform to those minimum design standards and specifications contained in the Wisconsin Statutes, the Wisconsin Administrative Code, and publications issued by the State Department of Transportation, but in no case shall any bridge be built which is less than twenty-eight feet (28') in width. All bridge designs must bear the seal of a certified civil engineer of the State of Wisconsin.

4-2.0545 ROAD CONSTRUCTION MATERIALS.

A. Base course shall be compacted 8" minimum of crushed gravel, crushed lime rock or other such materials as approved by the Board. Base course shall be allowed to season for one winter before application of asphalt.

B. Unless the base course is mechanically compacted and meets Wisconsin Department of Transportation (WisDOT) Specifications, asphalt shall be applied no sooner than six months and no later than 36 months after application of base course.

C. Asphalt surfacing shall conform to WisDOT Specifications for local roads having a traffic count of less than 750 vehicles per day, but shall have a finished thickness of at least two inches (2") in all locations, or to such greater depth as may be prescribed by the Board on roads expected to experience moderate or heavy traffic or use by heavy vehicles. The Town may sample paving material at the plant and also on the roadway for a period of 15 days after application to determine acceptability.

D. No trees, brush or stumps shall be buried within the right-of-way. Disposal of unsuitable materials shall be in compliance with regulations issued by the Board or the State Department of Natural Resources.

4-2.0550 SIGNS. Street and Road signs at all intersections created by a newly constructed road shall be fabricated and erected by the person proposing dedication of such road. Fabrication shall be in accordance with then prevailing Town Road Sign Standards, and installation shall be as directed by the Chair or, in the Chair's absence, by the Board.

4-2.0555 The Board or its designee shall inspect any road before approval, and no plat or certified survey map will be approved or surety released until the construction complies with all Town road standards.

4-2.0560 As an alternative to requiring completed approved construction of streets and roads prior to approval of a plat or certified survey map the Board may, in its sole discretion, permit a subdivider to enter into an agreement with it providing for the future construction of said streets and roads. Full performance of the agreement shall be secured by one of the following:

1. A surety bond issued by a bonding company licensed to do business in the State of Wisconsin;

2. The pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation assigned in such a way that the Town can receive the funds without action or further consent of the subdivider; or

3. By an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation. The amount of the surety bond, deposit or letter of credit shall be in the amount of the Town's estimate of the full cost of engineering and constructing the road or roads by the deadline stated in the contract, adjusted upward for estimated inflation between the time the contract is signed and the deadline plus the anticipated cost of penalties for early withdrawal and the anticipated cost of enforcement of the contract, bond, pledge or letter of credit.

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 6 - STREET LIGHTING**

(Reserved For Future Use)

**TITLE 4 - PUBLIC WORKS
CHAPTER 2 - STREETS
ARTICLE 7 - DRIVEWAYS AND SIDEWALKS**

4-2.0705 INSTALLATION OF SIDEWALKS.

A. The Board is hereby authorized to designate by resolution areas along roads and highways as sidewalk areas, and in making that determination, the Board shall consider the nature of the road or highway adjacent to the proposed sidewalk area, the volume and character of the traffic on the road or highway, the nature of existing or planned road or highway construction or improvement, and whether there is a concrete curb and gutter running along the roadway.

B. When the Board designates either or both sides of a road, for whatever distance they shall designate, as a sidewalk area, the installation of sidewalk along the extreme edges of the road or highway right of way, shall be required, said sidewalk shall be of permanent construction, conforming to standards established by the Town, and shall be at least five feet (5') in width.

C. When the Board designates an area as a sidewalk area, it may order the owners of property to install sidewalk, or may proceed pursuant to the statute then existing, to construct the required sidewalk and levy special assessments against the abutting land owners for the cost thereof.

D. Any person, firm or corporation violating any order of the Board issued pursuant to the provisions of this article shall forfeit a sum of not less than \$100.00 nor more than \$250.00 for each offense, or upon failure to pay said forfeiture, shall be committed to the County Jail of Eau Claire County, not to exceed 30 days or until said forfeiture is paid. Further, the Board is authorized to proceed by any lawful action to secure enforcement of any order issued by it pursuant to this article.

E. Every provision of this article shall be considered separable, and the invalidity of any section, clause, provision or portion thereof, shall not affect the validity of any other portion of this article.

4-2.0710 INSTALLATION AND MAINTENANCE OF DRIVEWAYS.

A. No person may construct or thereafter maintain a driveway or other means of facilitating vehicular traffic onto a public highway from property which is not a public highway, upon public highway right-of-way land, unless they first obtain a permit from the person appointed by the Board to issue said permits. This ordinance applies only to driveways constructed, expanded, or relocated after July 1, 1995.

B. No person may construct or thereafter maintain any structure or other object upon any public right-of-way, except a driveway entrance, mailbox and a newspaper receptacle. Any such mailbox or newspaper receptacle shall be constructed of materials approved by the Board, constructed in a design approved by the Board, and placed at the location designated by the U.S. Postal Service.

C. Prior to issuing any permit under this ordinance the person authorized to issue such permits shall take into account directions from state and county highway officials, traffic safety, visibility, drainage of surface waters and snow melt and said permit may specify the location, dimensions, and construction methods and materials of said driveway, and said permit may also specify the location of any mailbox or other lawful accessory use on the right-of-way associated with the property served by said driveway.

D. The driveway within the area of the public right-of-way shall slope away from the road at a minimum of one percent and a maximum of five percent to prevent erosion on the Town road.

E. The fee for a driveway permit listed in the Fee Schedule at the end of this code shall be paid upon application for the permit.

F. **PENALTY.** Violation of this section by failing to obtain a driveway permit or by constructing any driveway that does not comply with the terms of said permit or by erecting any accessory on the right-of-way in any manner or place not specified in said permit shall be a Class C offense, punishable by a forfeiture of not less than \$100.00 not more than \$250.00, plus costs and attorney fees. Each day of violation shall constitute a separate offense. The maintenance of any driveway or part thereof, or any other structure or object, on public right-of-way in violation of this ordinance is declared a public nuisance and may be abated summarily by the Town as provided by law.

TITLE 4 - PUBLIC WORKS
CHAPTER 3 - ENGINEERING
(Reserved for Future Use)

**TITLE 4 - PUBLIC WORKS
CHAPTER 4 - LAND USE
ARTICLE 1 -PLAN COMMISSION**

4-4.0105 TITLE. This ordinance is entitled the “Town of Union Plan Commission Ordinance.”

4-4.0110 PURPOSE. The purpose of this ordinance is to establish the Town Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

4-4.0115 AUTHORITY; ESTABLISHMENT. The Board hereby exercises its village powers under §60.22(3), Wis. Stats., and establishes a seven member Plan Commission under §§61.35 and 62.33, Wis. Stats. The Plan Commission shall be considered the “Town Planning Agency” under §§236.02(13) and 236.45, Wis. Stats.

4-4.0120 MEMBERSHIP. The Plan Commission consists of one Board Supervisor, who may be the Chair, and six citizen members, three of whom may not otherwise be Town officials, and who shall be persons of recognized experience and qualifications.

4-4.0125 APPOINTMENTS. In April of each year after newly elected supervisors, if any, have taken office the Chair shall appoint persons to succeed all Commission members whose terms expire in April, and shall designate the person who shall preside for the following year. The Chair may appoint person to fill vacancies in unexpired terms of at any time. All appointments must be ratified by the Board before they shall be effective. Every member of the Plan Commission shall take and fill its oaths of office as required by §60.31(1), Wis. Stats.

4-4.0130 TERMS OF OFFICE. The term of office for the Plan Commission Chair and Commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except:

A. The term of any person who held Town office when appointed shall expire when that person’s term of office for such other Town office expires.

B. The seats on the Commission shall be designated A, B, C, D, E, F & G. Seat A shall be held by a Board Supervisor.

The initial term of seats B and C shall expire April 30, 2004.

The initial term of seats D and E shall expire April 30, 2005.

The initial term of seats F and G shall expire April 30, 2006.

4-4.0135 VACANCIES. A person who is appointed to fill a vacancy on the Plan commission shall serve for the remainder of the term.

4-4.0140 COMPENSATION; EXPENSES. Plan Commission members shall be paid a per diem allowance of \$25.00 per meeting. In addition, the Board may reimburse Plan Commission members' reasonable costs and expenses.

4-4.0145 EXPERTS & STAFF. The Plan Commission may recommend to the Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

4-4.0150 RULES; RECORDS. The Plan Commission may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations.

4-4.0155 OFFICERS.

A. **CHAIR.** The Plan Commission Chair shall be appointed and serve a term as provided in Sections 5 and 6 of this ordinance. The Chair shall, subject to Town ordinances and Commission rules:

1. Provide leadership to the Commission;
2. Set Commission meeting and hearing dates;
3. Provide notice of Commission meetings and hearings and set their agendas, personally or by his her designee;
4. Preside at Commission meetings and hearings; and
5. Ensure that the laws are followed.

B. **VICE CHAIR.** The Plan Commission may elect, by open vote or secret ballot under §19.88(1), Wis. Stats., a Vice Chair to act in the place of the Chair when the Chair is absent or incapacitated for any cause.

C. **SECRETARY.** The Plan Commission shall elect, by open vote or secret ballot under §19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Board, designate the Clerk or other Town Officer or employee as Secretary. The secretary may designate any Town employee, or the Clerk if present, to keep the minutes of each meeting, subject to the supervision of the secretary and the approval of the Commission. All

records of the commission shall be maintained by the Clerk.

4-4.0160 COMMISSION MEMBERS AS LOCAL PUBLIC OFFICIALS. All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec 19.01, wis Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, §§9.21-19.39; Code of Ethics for Local Government Officials, §§19.42, 19.58 & 19.59; Open Meetings, §§19.81-19.89; Misconduct in Office, §946.12; and Private Interests in Public Contracts, §946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

4-4.0165 GENERAL & MISCELLANEOUS POWERS. The Plan Commission, under §62.23(4), Wis. Stats., shall have the power:

A. Necessary to enable it to perform its functions and promote Town planning.

B. To make reports and recommendations relating to the plan and the development of the Town to the Board, other public bodies, citizens, public utilities and organizations.

C. To recommend to the Board programs for public improvements and the financing of such improvements.

D. To receive from public officials, within a reasonable time, requested available information required for the commission to do its work.

E. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under §66.0119, Wis. Stats., or other court-issued warrant.

4-4.0170 TOWN COMPREHENSIVE PLANNING: GENERAL AUTHORITY & REQUIREMENTS.

A. The Plan Commission shall make and adopt a comprehensive plan under §§62.23 and 66.1001, Wis. Stats., which contains the elements specified in §66.1001(2), Wis. Stats, and follows the procedures in §66.1001(4), Wis. Stats.

B. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Board, but not later than a time sufficient to allow the Board to review the plan and pass an ordinance adopting it to take effect on before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under §66.1001(3), Wis. Stats.

C. In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

4-4.0175 PROCEDURE FOR PLAN COMMISSION ADOPTION & RECOMMENDATION OF A TOWN COMPREHENSIVE PLAN OR AMENDMENT.

The Plan Commission, in order to ensure that the requirements of §66.1001(4), Wis., Stats, are met, shall proceed as follows.

A. **PUBLIC PARTICIPATION VERIFICATION.** Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Board and for the Board to respond to such written comments.

B. **RESOLUTION.** The Plan Commission, under §66.1001(4)(b), Wis., Stats, shall recommend its proposed comprehensive plan or amendment to the Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under §66.1001, Wis. Stats., namely that:

1. The Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;

2. The plan contains the (9) specified elements and meets the requirements of those elements.

3. The (specified) maps and (specified) other descriptive materials relate to the plan;

4. The plan has been adopted by a majority vote of the entire Plan Commission, which the Clerk or Secretary is directed to record in the minutes; and

5. The Plan Commission Clerk or Secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in §66.1001(4), Wis. Stats.

C. **TRANSMITTAL.** One copy of the comprehensive plan or amendment adopted by the Plan Commission, for recommendation to the Board shall be sent to:

1. Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.

2. The Clerk of every city, village, town, County and regional planning commission that is adjacent to the Town.

3. The Wisconsin Land Council.

4. After September 1, 2003, the Department of Administration.

5. The regional planning commission in which the Town is located.

6. The public library that serves the area in which the Town is located.

4-4.0180 PLAN IMPLEMENTATION & ADMINISTRATION.

A. **ORDINANCE DEVELOPMENT.** If directed by resolution or motion of the Board, the Plan commission shall prepare the following:

1. **OFFICIAL MAP.** A proposed official map ordinance.

2. **SUBDIVISIONS.** A proposed Town subdivision or other land division ordinance.

3. **OTHER.** Any other ordinance regarding land use, development, preservation, conservation or protection specified by the Board.

B. **ORDINANCE AMENDMENT.** The Plan Commission, on its own motion, or at the direction of the Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

C. **NON-REGULATORY PROGRAMS.** The Plan Commission, on its own motion, or at the direction of the Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of nature resources through the acquisition of land or conservation easements, and capital improvement planning.

D. **PROGRAM ADMINISTRATION.** The Plan commission; shall, pursuant to Town ordinances, have the following powers.

1. **SUBDIVISION REVIEW.** Proposed plats under ch. 236, Wis., Stats, (and proposed subdivisions or other land division under the Town subdivision ordinance under § 236.45, Wis., Stats, and all applicable Town ordinances shall be referred to the Plan Commission for review and recommendation to the Board.

2. Other.

E. **CONSISTENCY.** Any ordinance, amendment or program proposed by the Plan commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under §§62.23 and 66.1001, Wis., Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

4-4.0185 REFERRALS TO THE PLAN COMMISSION.

A. Required referrals under § 62.23(5), Wis. Stats. The following shall be referred to the Plan commission for report:

1. The location and architectural design of any public building.

2. The location of any statue or other memorial.
3. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - (a) street, alley or other public way;
 - (b) park or playground;
 - (c) airport;
 - (d) area for parking vehicles; or
 - (e) other memorial or public grounds.
4. The location, extension, abandonment or authorization for any publicly or privately owned utility.
5. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under § 236.45, Wis. Stats. by the Town or by any other unit of Government having jurisdiction thereof.
6. The location, character and extent or acquisition, leasing or sale of lands for
 - (a) public or semi-public housing;
 - (b) slum clearance;
 - (c) relief of congestion; or
 - (d) vacation camps for children.
7. The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under §66.1001, Wis. Stats., and a Town official map.

B. Required referrals under sections of the Wisconsin Statutes other than §62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

1. An application for initial licensure of a child welfare agency or group home under §48.68(3), Wis. Stats.
2. An application for initial licensure of a community-based residential facility under § 50.03(4), Wis. Stats.
3. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under § 66.10905, Wis. Stats.
4. Matters relating to the establishment or termination of an architectural conservancy district under §66.1007, Wis. Stats.
5. Matters relating to the establishment of a reinvestment neighborhood required to be referred under § 66.1109, Wis. Stats.
6. Matters relating to the establishment or termination of a business improvement district required to be referred under § 66.1109, Wis. Stats.
7. A proposed housing project under § 66.1211(3), Wis. Stats.
8. Matters relating to urban redevelopment and renewal in the Town required to be referred under sub ch. XIII of ch. 66, Wis. Stats.
9. The adoption or amendment of a Town subdivision or other land division ordinance under § 236.45(4), Wis. Stats.
10. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

C. Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

1. Any proposal, under § 49.69, Wis. Stats., for the Town to approve General County Zoning so that it takes effect in the Town, or to remain under General County Zoning.

2. Proposed regulations or amendments relating to historic preservation under § 60.64, Wis. Stats
3. A proposed driveway access ordinance or amendment.
4. A proposed Town Official Map Ordinance under § 62.23 (6), Wis. Stats. or any other proposed Town ordinance under §62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
5. A proposed Town ordinance or amendment adopted under authority separate from or supplemental to §62.23, Wis. Stats., including a Town construction site erosion control and storm water management zoning ordinance under § 60.627(6), Wis. Stats., and town exclusive agricultural zoning ordinance under sub ch. V of ch. 91, Wis. Stats.
6. An application for a conditional use permit.
7. A proposed site plan
8. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under § 62.23(7a), Wis. Stats.
9. A proposed boundary change pursuant to an approved cooperative plan agreement under § 66.0307, Wis. Stats., or a proposed boundary agreement under § 66.0225, Wis. Stats., or other authority.
10. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under §66. 0307(7m), Wis. Stats.
11. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
12. Any proposed contract, for the provision of information, or the preparation or a comprehensive plan, an element of a plan or an implementation measure between the Town and the regional planning commission, under §66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
13. A proposed ordinance, regulation or plan or amendment to the foregoing, relating to a mobile home park under § 66. 0434, Wis.

Stats.

14. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under § 66.1009, Wis. Stats.

15. A proposed Town airport zoning ordinance under § 114.136(2), Wis. Stats.

16. A proposal to create environment remediation tax incremental financing in the Town under §66.1106, Wis. Stats.

17. A proposed County Agricultural Preservation Plan or amendment, under sub ch. IV of ch. 91, Wis. Stats., referred by the County to the Town, or proposed Town agricultural preservation plan or amendment.

18. Any other matter required by a Town ordinance or Board resolution or motion to be referred to the Plan Commission.

D. **DISCRETIONARY REFERRALS.** The Board, or other Town Officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:

1. A proposed County Development Plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such a plan.

2. A proposed County zoning ordinance or amendment.

3. A proposed County zoning ordinance or amendment.

4. An appeal or permit application under the County Zoning Ordinance to the County Zoning Board of Adjustment, County Planning Body or other County body.

5. A proposed intergovernmental cooperation agreement, under § 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under § 66.0305, Wis. Stats.

6. A proposed plat or other land division under the County Subdivision or other land division ordinance under § 236.45, Wis. Stats.

7. A proposed County plan under § 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

8. Any other matter deemed advisable for referral to the Plan Commission for report.

E. **REFERRAL PERIOD.** No final action may be taken by the Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or 30 days, or such longer period as stipulated by the Board, has passed since referral. The 30 day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The 30 day referral period for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Board to a referral period shorter or longer than the 30 day referral period if deemed advisable.

**TITLE 4 - PUBLIC WORKS
CHAPTER 4 - LAND USE
ARTICLE 2-SUBDIVISION CODE**

4-4.0205 PURPOSE. The purpose of this ordinance is to implement the Town of Union Land Use Plan 2000-2020, supplement the provisions of Chapter 236 of Wisconsin Statutes and to promote the public health, safety and general welfare within the Town; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further re-subdivision of larger tracts into smaller parcels of land. The provisions of this ordinance are made with reasonable consideration, among other things, of the character of the Town with a view of conserving the value of natural resources and the buildings placed upon the land, providing the best possible environment for continued agricultural activity and human habitation, and encouraging the most appropriate use of land throughout the Town.

4-4.0210 INTERPRETATION. The provisions of this ordinance shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

4-4.0215 ABROGATION AND GREATER RESTRICTIONS. It is not the intent of this ordinance to repeal, abrogate, annual, impair or interfere with existing rules and regulations governing the subdivision of land or land divisions; provided, however, that where this ordinance is more restrictive, the provisions of this ordinance shall govern.

4-4.0220 JURISDICTION. The jurisdiction of this ordinance shall include all lands and waters within the Town.

A. **EXCEPTIONS.** This ordinance, insofar as it may apply to land divisions less than five parcels, shall not apply to:

1. Transfer of interest in land by Will, intestate succession, survivorship, or other transfer which occurs upon death by direction of the decedent, or pursuant to court order, provided such transfer does not subdivide land into parcels which do not conform to zoning or other parcel size or configuration limitations then in effect.
2. Leases for a term not to exceed ten 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 size required by this ordinance or other applicable laws or ordinances.

4. Cemeteries.
5. Assessor's plats.

4-4.0225 COMPLIANCE. No person or entity shall divide, monument or describe any land in the Town which results in a land division, record any division of land in the Town, or lay out, dedicate, or improve any highway or other public land in the Town without compliance with all requirements of this ordinance, all applicable Town and County ordinances, and all applicable Wisconsin Statutes and Wisconsin Administrative Code provisions.

4-4.0230 DEFINITIONS. For the purpose of these regulations, the following terms are defined. Words used in the present tense include the future, the singular includes the plural, and the plural includes the singular. The word "shall" is mandatory.

A. "Adequate Copies of the Plat" means the number of copies of the plat to be filed deemed sufficient for distribution to reviewing parties by the Clerk at the time of application or recordation.

B. "Board" means Town Board of Supervisors.

C. "Building Site" means a parcel of land occupied, or intended to be occupied, by a structure as permitted under applicable zoning regulations.

D. "Certified Survey Map" means a map of a land division resulting in not more than four parcels of land prepared in accordance with this ordinance and Section 236.34, Wisconsin Statutes. See "Other Division".

E. "Clerk" means the Clerk.

F. "Comprehensive Plan" means a master plan, adopted by the Town Plan Commission and certified to the Board pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

G. "Construction" means any activity on any parcel of land resulting in a non-restorable change, or the permanent affixing of a structure, to any part of the parcel, in the course of, or with the intent of, altering or improving the parcel.

H. "County" means Eau Claire County.

I. "Land Division" means the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division results in a subdivision, other division, or replat.

J. "Objecting Agencies" means those agencies includes all agencies to whom a preliminary plat shall be distributed pursuant to §236.12, Statutes, and other applicable laws.

K. "Other Division" means the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates fewer than five lots or building sites any of which is 20 acres in area or less, except where the newly created lot(s) or building site(s) are entirely within a recorded subdivision or where the newly created lot(s) or building site(s) are within a previously recorded Certified Survey Map (CSM). A CSM shall be required for all lots or building sites of land so created. See "Certified Survey Map".

L. "Outlot" means a parcel of land not intended for immediate or eventual development, so designated on the plat, replat or Certified Survey Map.

M. "Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal or equitable title to land sought to be subdivided or subject to a land division under this ordinance.

O. "Parcel" means contiguous land not separated by public roads or railroad rights-of-way. Creation of private or public roads or railroad rights-of-way after the effective date of this ordinance does not create separate parcels.

P. "Plan Commission" means the Town Plan Commission.

Q. "Plat" means a map of a subdivision complete with all certificates and engineering data per Chapter 236, Wisconsin Statutes.

R. "Replat" means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.

S. "Steep Slope" means any area with a slope of twelve percent or greater and a vertical relief of four feet (4') or more.

T. "Subdivide" means the act of creating a subdivision or other

division.

U. “Subdivider” means any person, firm, corporation, any agent thereof, assigns or the land owner at the time the subdivision plat or CSM is recorded dividing or proposing to divide land resulting in a subdivision, other division or replat, as defined herein.

V. “Subdivision” means the division of a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more lots or building sites any one of which is five acres or less in area; or where the act of division creates five or more lots or building sites any one of which is five acres or less in area by successive division within a period of five years.

4-4.0235 FEES. A filing fee shall be required when a Certified Survey Map, preliminary plat, and final plat is submitted for Town approval. The fees are listed in the Fee Schedule at the end of this code.

4-4.0240 AMENDMENTS AND APPEAL.

A. **AMENDMENTS.** The Board, upon recommendation of the Plan Commission, may amend, supplement or repeal any of these regulations after public notice and hearing.

B. **APPEALS.** Any person aggrieved by an objection to a plat or CSM or failure to approve a plat or CSM may appeal to the Board within 30 days of notification of the rejection of the plat or CSM. The appeal shall be considered in accordance with Section 236.13 (5), Wisconsin Statutes.

4-4.0245 VIOLATIONS AND PENALTIES. Any person who builds upon, divides, conveys, records or monuments in violation of or fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$250.00 plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each violation and each day a violation exists or continues shall constitute a separate offense. In addition, the remedies authorized by Sections 236.30, 236.31 and 235.32, Wisconsin Statutes, shall be available to the Town.

4-4.0250 SUBDIVISION. Procedures for subdivision shall be coordinated to the greatest extent practicable with the County and any municipality with extraterritorial plat approval jurisdiction, to streamline the platting process for the applicant and avoid duplication.

When it is proposed to divide a parcel of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more lots or building sites any one of

which is five acres or less in area; or where the act of division creates five or more lots or building sites any one of which is five acres or less in area by successive division within a period of five years, the subdivider shall subdivide in accordance with this ordinance and Chapter 236, Wisconsin Statutes.

A. **COPIES.** The subdivider shall file adequate copies of the preliminary plat, final plat and the recorded final plat with the Clerk for distribution to the Board and Plan Commission. The subdivider shall also distribute copies to utilities, and other approving, objecting or affected agencies for their files, with a copy of the transmittal to the Clerk.

B. **INITIAL CONSULTATION.** The subdivider shall have an initial consultation with the Plan Commission before proceeding with platting procedures in order to obtain its advice and assistance with particular attention to:

1. The suitability of the site for development.
2. The accessibility of the site.
3. The availability of public facilities (sewer, schools, parks, water, etc.) and public services (police, fire, etc.).
4. Soil conditions, topography and drainage patterns.
5. The effect on the proposed development on any contemplated improvements.
6. Zoning.

C. **SUBMISSION OF SKETCH PLAN.** The subdivider, at the time of the initial consultation or later, must submit a sketch plan to the Clerk at least 15 days before the Plan Commission meeting. It may be a free-hand drawing, but in sufficient detail to determine the nature of the above conditions and comply with the plat requirements check list, Section 4-4.0267. The sketch plan will be reviewed as it relates to:

1. Topography.
2. The improvements, design, dedications or reservations required by these regulations.
3. Continuity to existing development within five hundred feet (500') of all boundaries.

4. All state and local legal requirements.

D. **PRELIMINARY PLAT REVIEW WITHIN THE TOWN.** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with this ordinance complying with the plat requirements checklist, Section 15.18 and Chapter 236, Wisconsin Statutes. The subdivider shall file adequate copies of the plat, a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and a letter of application with the Clerk at least 15 days prior to a Regular Meeting of the Plan Commission at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that required easements can be determined.

The Clerk shall transmit an adequate number of copies of the preliminary plat to the Board of Supervisors and the Town Plan Commission, the County, and all other reviewing authorities provided by law. The Board is hereby designated an approving authority and the Town Plan Commission designated the Board's agent for reviewing preliminary plats, final plats and replats and shall advise the Board thereon.

1. **PRELIMINARY PLAT APPROVAL WITHIN THE TOWN.** The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

The Town Plan Commission, within 60 days of the date of filing of preliminary plat with the Clerk, shall review the preliminary plat for conformance with this ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it and shall recommend approval, conditional approval or rejection of such plat. The Board shall approve, approve conditionally, or reject such plat within 90 days of the date of filing of preliminary plat with the Clerk, unless the date is extended by mutual agreement with the subdivider. One copy of the plat shall there upon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.

Failure of the Board to act within 90 days shall constitute approval.

2. **EFFECT OF CONDITIONAL OR PRELIMINARY APPROVAL.** Approval or conditional approval of the preliminary plat by the Town Plan Commission shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat to be prepared and submitted by the subdivider under Section 4-

4.0250 (E) which final plat will be subject to further consideration by the Plan Commission at the time of its submission. Approval of the preliminary plat does not authorize the subdivider to proceed with the installation of site improvements nor does it authorize the sale of lots.

3. **REVOCACTION OF PRELIMINARY PLAT APPROVAL.** The approval of the preliminary plat or any time extension thereof, may be revoked upon written notice where the Plan Commission finds that a material change in conditions has occurred affecting the proposed subdivision, including new information regarding the physical conditions of the site or proposed public works, which would adversely affect to a substantial degree public health, safety or welfare.

E. **FINAL PLAT REVIEW WITHIN THE TOWN.** The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance complying with the plat requirement check list, Section 15.18, Chapter 236, Wisconsin Statutes and shall file adequate copies of the plat and the application with the Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired, or at least 20 days prior to the fourth Thursday of a month in the interim between Regular Meetings of the Plan Commission. The subdivider shall also submit the original final plat to the State Plat Review Agency as per Chapter 236.12(2), Wisconsin Statutes.

The Clerk shall transmit copies of the final plat to the Board of Supervisors and the Town Plan Commission for review.

1. **PARTIAL PLATTING.** The final plat, may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to develop at that time.

2. **SUBMISSION.** If the final plat is not submitted within six months of the last required approval of the preliminary plat, the Board may refuse to approve the final plat.

3. **FINAL PLAT APPROVAL WITHIN THE TOWN.** Approval within the Town. The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approval and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

The Town Plan Commission shall, within 30 days of the date of filing of the final plat with the Clerk, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Board.

The Board shall, within 60 days of the date of filing the original final plat with the Clerk, approve or reject such plat unless the time is

extended by agreement with the subdivider. 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 subdivider.

Failure of the Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

F. SUBDIVISION PERFORMANCE GUARANTEES. Each subdivider shall construct, install and complete the following required subdivision improvements as specified by the Board prior to approval of any final plat or other subdivision which dedicates any land to public use or to any function for which the Town may become responsible.

1. Subdivision streets shall be constructed and installed to the Town's road specifications.

2. Curb and gutter if deemed necessary at time of approval of the final plat by the Board.

3. Storm water management structures if determined necessary by the Board at time of final plat approval.

4. Dedicated clear water drainage easements as determined necessary by the Board at the time of approval of the subdivision final plat, or at such subsequent time as the subdivision experiences clear water drainage problems. In the latter event, the Town may assess the cost of acquisition, construction and maintenance of clear water drainage easements to benefitted subdivision lots.

G. As an alternative to requiring completed approved construction of streets and roads prior to approval of a plat or certified survey map the Board may, in its sole discretion, permit a subdivider to enter into an agreement with it providing for the future construction of said streets and roads. Full performance of the agreement shall be secured by one of the following:

1. A surety bond issued by a bonding company licensed to do business in the State of Wisconsin;

2. The pledge of a deposit of funds in a financial institution insured by the Federal Deposit Insurance Corporation assigned in such a way that the Town can receive the funds without action or further consent of the subdivider; or

3. By an unconditional letter of credit from a financial institution insured by the Federal Deposit Insurance Corporation. The

amount of the surety bond, deposit or letter of credit shall be in the amount of the Town's estimate of the full cost of engineering and constructing the road or roads by the deadline stated in the contract, adjusted upward for estimated inflation between the time the contract is signed and the deadline plus the anticipated cost of penalties for early withdrawal and the anticipated cost of enforcement of the contract, bond, pledge or letter of credit. The Board or its designee shall inspect any road before approval, and no plat or certified survey map will be approved or surety released until the construction complies with all Town road standards.

H. **RECORDATION.** After the final plat has been approved by the Board and required improvements either installed or a performance guarantee insuring their installation is filed, the Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within 30 days from the date of last approval.

4-4.0255 REPLAT. When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider shall follow Sections 236.36 and 236.40 through 236.44 of the Wisconsin Statutes.

When necessary, the Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within six-hundred feet (600') of the exterior boundaries of the proposed replat.

4-4.0260 OTHER DIVISION. A Certified Survey Map (CSM) shall be required for all newly created lots or building sites where the act of division will create less than five lots or building sites any one of which is 20 acres in area or less, except where the newly created lot(s) or building site(s) are entirely within a recorded subdivision or where the newly created lot(s) or building site(s) are within a previously recorded CSM. A CSM shall also be required for all public dedications. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

The Clerk shall transmit a copy of the map to all affected Municipalities, Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Town Plan Commission within ten days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this ordinance and all ordinances, rules, regulations, and comprehensive plans which affect it. The Plan Commission shall, within 30 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Board.

The Board shall approve, approve conditionally, or reject such map within 60 days from the date of filing of the map unless the time is extended by

agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Board shall cause the Clerk to so certify on the face of the original map and return the map to the subdivider.

A. **RECORDING.** The Certified Survey Map shall be recorded with the County Register of Deeds. When a Certified Survey Map has been so recorded, the parcels of land in the map shall be described by reference to the number of the survey, the volume and page where recorded, and the name of the County. Any land or improvements offered for dedication and noted on the Certified Survey Map shall be deeded at the time of recording, unless otherwise arranged.

B. **COPIES.** The subdivider shall file an adequate number of copies of the recorded Certified Survey Map with the Clerk for distribution to the Board, Plan Commission and other affected Town departments for their files, with copies of the transmittal sent to the Clerk.

4-4.0265 ASSESSOR'S PLAT. An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Board at the expense of the subdivider when a subdivision is created by successive divisions without complying with this ordinance.

4-4.0267 PLAT REQUIREMENT CHECKLIST.

A. **SKETCH PLAN.**

1. Title, scale, north arrow and date must be shown.
2. The scale should not be less than one hundred feet (100') to the inch and should be on a topographical survey map. It may be a free-hand sketch or a print of such a map and must show:
 - (a) Subdivision boundaries and proposed use.
 - (b) General street and lot layout including streets, utilities and other features adjacent and within three hundred feet (300') of the proposed subdivision.
 - (c) Approximate location of steep slopes, wetlands, flood plains, trees and other prominent physical features.
3. Must show a location map. It may be free-hand in the same orientation as the sketch plan and must show:

- (a) Municipal boundaries.
 - (b) Subdivision location and boundaries.
 - (c) Location of existing facilities which serve or influence the subdivision (e.g., schools, parks, main traffic arteries, shopping centers, utilities, etc.).
- 4. Must show total acreage of subdivision and number of lots proposed, and the typical width and depth of lots.
 - 5. Name, phone number and address of subdivider or his/her agent.
 - 6. Approximate square footage of each lot.

B. PRELIMINARY PLAT.

- 1. It shall be clearly marked "preliminary plat" and shall be in sufficient detail to determine whether the final plat will meet all requirements of the ordinance.
- 2. Title, scale, north arrow and date must be shown.
- 3. The scale shall not be less than one hundred feet (100') to the inch and shall be drawn on a topographical survey map having contour intervals of no more than two feet (2') between intervals.
- 4. Must show the location and dimensions of:
 - (a) Existing, planned and proposed streets, public facilities or land, easements, existing buildings, steep slopes, water courses and wetlands, drainage ditches and other such features.
 - (b) Facilities or land offered for dedication or reserved for public or other use as indicated.
 - (c) Contour lines and elevation points.
 - (d) Owners of adjoining land.

(e) Blocks and lots in consecutive order.

5. It must have a neighborhood location map showing subdivision location and surrounding roads, etc. in the same orientation as the preliminary plat.

6. It must have a feasibility report on sewage and water facilities.

7. Must show zoning classification, land use and minimum lot sizes within and adjacent to the subdivision.

8. Must be a drawing of all present and proposed street grades and facilities for sanitary sewer, water and storm water management.

9. There must be a draft of all types of restrictions placed on the land which will become covenants in the deeds for lots shown on the final plat when submitted. These covenants should encourage a variety of dwelling types and developments suitable to the site.

10. Must show total acreage of subdivision, number of lots proposed, the typical width, depth and approximate square footage of lots, and total street length.

11. Name, telephone number and address of the subdivider or his/her agent.

C. FINAL PLAT.

1. It shall show the corrected and finalized data from the preliminary plat.

2. A final plat shall comply with the provisions of Chapter 236 of the Wisconsin Statutes.

3. Subdivision performance guarantee as per Section 4-4.0250 (F), Town Subdivision Ordinance.

D. STORM WATER. The preliminary plat and the final plat shall identify and delineate all accommodations for storm water required by Eau Claire County.

4-4.0270 LOCATION OF SITE.

A. **GENERAL PLAN.** The location and design of all land divisions must conform to any applicable comprehensive or land use plan.

B. **ZONING.** The use of land in all land divisions must conform to any applicable municipal, Town or county zoning ordinances, however, larger lots and setbacks may be required where conditions warrant.

C. **OBJECTIONABLE AREAS.** Land subject to hazards of life, health or property as may arise from fire, floods, disease, noise, falling aircraft or considered to be uninhabitable for other reasons, may not be subdivided for building purposes unless the hazard has been eliminated or the plans show adequate safeguards correcting the hazards have been approved by the Town.

D. **NEARBY DEVELOPMENT.** All land divisions shall be coordinated with existing nearby development or neighborhoods so that the area as a whole shall be developed harmoniously.

4-4.0272 DESIGN OF SITE.

A. NATURAL FEATURES.

1. **PRESERVATION.** In all land divisions, care shall be taken to preserve all natural and historic features which will add attractiveness and value to the remainder of the land being divided (i.e., prime farmland, trees, wetlands, water courses, views, historic structures).

2. **STEEP SLOPE DEVELOPMENT.** Where a land division is on an area that has a slope of twelve percent or greater and with a vertical relief of four or more feet, the Plan Commission may require larger lot sizes than are zoned, additional best management practices for erosion control and storm water management, and may reduce setback requirements upon proper appeal. The footprint of buildings or structures shall not encroach within ten feet (10') of areas with slopes twenty percent or greater and with a vertical relief of four or more feet. A naturally occurring steep slope shall not be graded, filled or otherwise altered to avoid these requirements.

3. **WATER FRONTAGE AND SURFACE DRAINAGE.** For all land divisions, the damming, filling or relocating or otherwise interfering with the natural flow of surface water (including intermittent drainage) along any surface water drainage channel or natural water course shall not be permitted except with approval of the Plan Commission or any other affected agency. Building setback lines shall be established no less than seventy-five feet (75') from the high water line of any stream, lake or water

body to prevent construction of any structure other than a dam, bridge, boat house retaining wall, bulkhead or revetments in the setback area.

See County Shoreland Zoning Ordinance requirements for lot size, setbacks, well location, location of private on-site wastewater treatment systems, etc.

4. **PLANTING SCREENS.** For all land divisions, the Town shall require planting or buffering easements, extra lot depth or width alongside heavily traveled highways where lots are backed into the roadway; along zoning district lines; as buffer strips separating agricultural zoning districts from residential, commercial or industrial land uses or residential zoning districts from commercial or industrial land uses; as buffer zones along railroad rights-of-way or for any such use as may be deemed appropriate and consistent with the total development of the community.

B. **STREET ARRANGEMENT.** These standards shall apply to all land divisions.

1. **LOCATION PRINCIPLES.** The streets shall be properly located and designed with regard to:

(a) Existing and planned streets.

(b) Topographic conditions.

(c) Public convenience and safety including facilitating fire protection and pedestrian traffic.

(d) The proposed uses of land to be served by the streets.

(e) Anticipated traffic volumes.

(f) Further subdivision possibilities with suitable access to abutting properties.

(g) Any other principles as may be deemed significant to protect the public interest by the Town.

2. **COORDINATION OF EXISTING STREET PATTERN.** The arrangement, character, extent, width, grade, location and engineering specifications of all streets shall conform to the standards of this ordinance, adopted municipal or County plans and any official highway

maps. If there is a comprehensive plan or official map, the arrangement of streets in a land division shall provide for the continuation or appropriate projection of existing streets into surrounding areas, subject to topography conditions, public convenience, safety and proposed uses of land to be served. The Plan Commission may require multiple egress/ingress for a subdivision or other division if it deems it necessary due to the size of the subdivision or its particular characteristics. Where a subdivision or other division borders on or contains a railroad right-of-way, the Plan Commission may require a street approximately parallel with and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with regard for the requirements of approach grades and future grade separations.

3. SUBDIVISION OR OTHER DIVISION ABUTTING ARTERIALS. Where a proposed subdivision or other division abuts or contains an existing or proposed street right-of-way as designed on the official map of the Town, or as may be determined by the Plan Commission, adequate protection of existing or proposed development, limitation of access and separation of through and local traffic shall be handled as follows:

- (a) Reverse frontage, with screen planting contained in a non-access reservation along the rear property line; or
- (b) By frontage streets; or
- (c) By having development front on a perpendicular street to the primary right-of-way.

When lots within the proposed subdivision or other division back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting easement at least fifteen feet (15') in width shall be provided adjacent to normal lot depth. This easement shall be a part of the platted lots or CSM, but shall have the following restriction lettered on the face of the plat or CSM: "This strip reserved for the planting of trees and shrubs, the building of any structure hereon prohibited." The developer shall plant trees and shrubs in the planting strip as specified by the Board, and said planting shall be treated as other subdivision improvements to be constructed and guaranteed under Section 4-4.0250 (F).

Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway, said intersection shall be located a minimum distance of two hundred and fifty feet (250') from said limited access highway or railroad right-of-way. Such minimum distance shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

4. CUL-DE-SAC. Cul-De-Sacs shall not be allowed, except only where topographical and site conditions warrant such roadways, and will be subject to the finding of fact and approval of the Plan Commission.

Designed as permanent installations, they should not be longer than five hundred feet (500'), except only where topographical and site conditions warrant an extension with the finding of fact and approval of the Plan Commission. The closed end shall have a turn-around with an outside roadway diameter of at least one hundred and eighty feet (180') and a street property line diameter of two hundred and ten feet (210').

C. **EASEMENTS IN ALL LAND DIVISION.** Easements across lots or centered on rear or side lot lines shall be designed for named utilities or their licensees where necessary and shall be at least fifteen feet (15') wide. Electric and telephone lines shall be planned along rear lot lines wherever possible. The Plan Commission shall determine the feasibility of burying utility lines. Where a subdivision or other division is traversed by a water course, drainage way, channel or street, there shall be provided a storm water easement or drainage right-of-way not less than thirty feet (30') in width, conforming substantially with the lines of such water courses. Parallel streets or parkways may be required in connection therewith.

D. **STORM DRAINAGE IN ALL LAND DIVISIONS.** Storm sewers, culverts and related facilities shall be designed to permit the unimpeded flow of natural water courses; insure the drainage of all low points along the line of streets; provide positive drainage away from on-site sewer disposal facilities; and, facilitate infiltration of on-site runoff where possible. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being divided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same drainage basin is fully developed. On-site infiltration of storm water runoff facilitated by recognized storm water management best management practices will be preferred. Where adequate existing storm sewers are readily accessible, the subdivider shall connect his storm water facilities to these existing sewers. In the design of storm drainage facilities, special consideration shall be given to preventing excess runoff onto adjacent property. Where a storm drainage outlet will abut another property, sufficient and adequate engineering safeguards shall be designed in the plat or CSM to prevent damage to adjoining property. Sloped drainage channels must be protected against erosion.

1. **STORM WATER MANAGEMENT.**

(a) **PURPOSES.** The intent of this section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial and residential development, and to minimize the impacts of development on surface water quality.

(b) **STANDARDS.** Surface water runoff from the site after development shall not exceed the peak rate/volume of flow at pre-development conditions. Minimum design criteria will accommodate peak flows resulting from two year frequency three inches (3.0"), ten year frequency four and two-tenths inches (4.2"), 25 year frequency four and seven-tenths inches (4.7"), and 100 year frequency six inches (6.0"), 24 hour rains. These peak flows shall be the basis to determine both pre-construction and post-construction surface water runoff.

(c) **PLAN.** A storm water management plan is required for subdivisions and shall be submitted with the preliminary plat. The plan shall be designed, stamped and signed by a registered professional engineer. The plan shall include, but not be limited to, the following:

(1) Soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover and time response to runoff.

(2) The plan shall be compatible with natural drainage ways and existing man-made drainage ways and easements.

(3) The plan shall identify bridges, regional drainage patterns, water boundaries, pipes, culverts, catch basins, waterways, ditches, detention and retention basins; and indicate respective size, dimensions and grades of each.

(4) All drainage ways and associated structures shall lie within maintenance easements and such easements shall be shown on the final plat.

(5) The direction of surface water flow shall be shown by arrows.

(6) The plan shall be designed in accordance with any United States government guidance or requirements for such locations.

(7) The plan shall be accompanied by calculations showing pre-construction and post-construction surface water runoff.

(8) A statement shall be included indicating how runoff resulting from construction and from the completed development will affect downstream areas and adjacent property owners.

(9) The statement shall indicate methods, structures and best management practices that will be used to protect downstream areas and adjacent property owners from damage caused by increased surface water runoff and ground disturbance during construction.

(10) A covenant shall be recorded with the final plat and shall be placed on the final plat. The covenant shall state:

a. No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainage way so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainage way.

b. Upon failure of the property owners to perform maintenance of the drainage ways and associated structures, the Town may perform maintenance or repairs. The payment of said maintenance or repairs shall be equally assessed to all parcels within the subdivision.

2. **SURFACE WATER DRAINAGE RESTRICTIONS.** No drainage way contained within a drainage easement shall be disturbed, except as provided in 4-4.0285, in accordance with the following:

(a) No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainage way so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainage way.

(b) Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainage ways to avoid the creation of lots that can be built upon only by altering such drainage ways.

(c) **EXCEPTIONS.** Surface water shall not be regarded as unduly retained or diverted if:

(1) The retention or diversion results from a technique, practice or device deliberately installed as part of an approved construction site erosion control or storm water management plan.

(2) The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such a retention or diversion presents a danger to health or safety.

(3) The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the property owners in accordance with any procedures and specifications approved by the Board.

(4) The retention or diversion has been allowed or required by the Board, and noted on the approved storm water management plan.

E. **LOTS AND BUILDING LOCATION.** The lot size, width, depth, shape, orientation and minimum building lines shall be appropriate for the location of the subdivision or other division and for the type of development and use proposed. Lot dimensions shall conform to the requirements of the local zoning ordinance, or as may be determined by soil capability ratings and by the County Shoreland Ordinance. Corner lots shall have increased width to permit adequate setback from both streets. Side lot lines shall be substantially at right angles to the street lines. Double frontage shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and orientation disadvantages.

1. **ACCESS.** Every lot in a subdivision or other division shall front or abut on a public street and have direct vehicular access to that public street for a distance of at least thirty-three feet (33'). Direct vehicular access does not include the use of easements.

2. **WIDTH AND DEPTH.** All land divisions shall be at least a half ($\frac{1}{2}$) acre based on the conservation design layout as described in the Comprehensive Land Use Plan of the Town. All other subdivision of land shall be a minimum of one and one-half ($1 \frac{1}{2}$) acres as described in the Town Comprehensive Land Use Plan. The minimum lot width for any subdivision shall be one hundred and fifty feet (150'), measured at the side lot line. Depth shall not exceed three times the width nor shall it be less than one hundred and fifty feet (150'), except when following the planning areas as described in the development scenario policies in the Town Comprehensive Plan or as permitted by the Board due to unusual topography. All commercial or industrial lots shall be at least one and one-half ($1 \frac{1}{2}$) acres, designed with a suitable proportion between width and depth which is compatible with adjacent and neighboring properties.

F. **FILLING.** For any land division, where any land is to be filled more than six inches (6") above an adjacent property, a grading plan must be approved by the Plan Commission.

G. **STREET NAMES.** No street names shall be used which will duplicate or be confused with the name of an existing street within the Town. Streets that are extensions, or obviously are in alignment with existing named streets, must bear the names of those streets. Street names must be consistent with the Eau Claire County Uniform Addressing Grid System (Ordinance # 4-95) and approved by the Town and County.

H. **COMMERCIAL AND INDUSTRIAL AREAS.** The land division shall be designed with consideration of site conditions to permit the best possible layout to serve the public; to permit good traffic circulation and the parking of cars; to make delivery and pickup efficient; to design individual units so that they blend with the whole; to provide for the most efficient arrangement of space for present use and future expansion; and to provide adequate and safe space for worker and customer access and parking. A development plan of this nature shall be accompanied by a plan indicating general landscape treatment intended.

Required Improvements

4-4.0275 SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes witnessed with a T-type post at least five feet (5') long or 4" x 4" x 6' long CCA ground contact treated timbers and as may be required by the Board. Any existing survey monuments which are disturbed during construction shall be rehabilitated at cost to the subdivider and to the specifications of existing state regulations and the County Surveyor.

4-4.0278 GRADING. After the installation of temporary block corner monuments by the subdivider and establishment of street grades, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Board. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

4-4.0280 SURFACING. All roadways and streets to be accepted by the Board must be finish grade with gravel fill to the specifications of the Board.

At a minimum, the roadway or street shall be hard-surfaced with asphalt according to the specifications given by the Board. A copy of such minimum specifications is on file with the Clerk.

After the street has been brought to the hard-surface specifications of the Town, at the cost of the person dedicating the street or the subdivider as the case may be, then the Town will take over and maintain the same. Repairs required to the hard-surface as a result of defects in the hard-surface construction or in the construction below the hard-surface shall be the responsibility of the person dedicating or the subdivider for a period of one year after acceptance of the street by the Town and a performance guarantee shall be required to insure the payment for such repairs.

Where a street is installed and the person dedicating the street or the subdivider desires to delay the installation of the hard-surface of the street, then the person dedicating the street or the subdivider shall furnish to the Town a satisfactory guarantee to cover the full installation of the hard-surface street, subject to Section 4-4.0250 (F) of this ordinance.

4-4.0282 TOWN ROAD SECTIONS. When permanent town road sections have been approved by the Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and driveways and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Board.

4-4.0285 STORM WATER MANAGEMENT FACILITIES. The subdivider shall construct storm water drainage or management facilities and structures, which may include, but not be limited to, curb and gutter, grassy swales, catch or infiltration basins, trenches and inlets, porous pavements, detention ponds, culverts, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria, and the sizes and grades to be reviewed by the Plan Commission. Storm water management facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers or management structures proposed to be

constructed shall be in accordance with any plans and standard specifications approved by the Board.

4-4.0287 OTHER UTILITIES. The subdivider shall cause gas, electrical power, telephone, telecommunications and cable facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, telephone or cable service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barriers. The subdivider shall consult with the various utility companies to determine the feasibility of burying utility lines.

Plans indicating the proposed location of all gas, electrical power, telephone and cable distribution and transmission lines required to service the plat shall be approved by the particular utility having jurisdiction.

4-4.0290 LOT GRADING. The Plan Commission shall require that a grading plan be submitted prior to the approval of a preliminary plat or CSM.

4-4.0292 LOT OWNER RESPONSIBILITIES. All subdivision improvements which are not dedicated to the public and accepted by the Board shall be maintained by the owners of all lots in the subdivision. The subdivider shall provide an enforceable means to accomplish this, which may include a Homeowners' Association, and shall provide for the assignment of responsibility for such maintenance and the creation of liens against all lots in the subdivision for unpaid assessments. The means chosen shall not impose any responsibility on the Town, but shall permit the Town, at the expense of the lot owners, to enforce performance of the responsibilities and payment therefor.

Construction

4-4.0293 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision or other division until the final plat or CSM has been approved and the Board has given written authorization.

4-4.0294 BUILDING PERMITS. No land use or building permits shall be issued for erection of a structure on any lot of record until all the requirements of this ordinance have been met.

4-4.0295 PLANS. The following plans and accompanying construction specifications shall be required by the Board before authorization of construction or installation of improvements:

A. Street plans and profiles showing existing and proposed grades, soil conditions, elevations and cross sections of required improvements.

B. Storm water management plans and profiles showing the location, grades, sizes, cross sections, elevations and materials of required facilities.

1. Surface water drainage plan.
2. Grading plan.
3. Additional special plans or information as required.

**TITLE 4 - PUBLIC WORKS
CHAPTER 4 - LAND USE
ARTICLE 3-VARIANCES**

4-4.0305 PURPOSE. The Plan Commission (hereinafter the “Commission,” shall determine and may vary the regulations of this ordinance in harmony with its general purpose and intent. Only in specific instances when the Board makes a finding of fact, based upon the standards hereinafter prescribed, shall the Commission Grant a variance, Granting a variance may not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable and qualifying difficulty.

A. **INITIATION.**

1. **PETITION.** Any variance application may be initiated by the owner or owners, or by a purchaser or purchasers under a written, accepted offer to purchase.

2. **ACTION.** Variances may be initiated by action of the Town or its agent provided that the procedure prescribed in the following paragraphs of this section is followed.

B. **APPLICATION.** An application for a variance shall be filed with the Commission. The applicant shall include a statement in writing and adequate evidence showing that the proposed variance will conform to the variance standards set forth in this ordinance, and shall contain the following information and material.

1. **NAME AND ADDRESS OF APPLICANT** including the property owner and agent, if any.

2. **OWNERSHIP STATEMENT** that the applicant is the owner or the authorized agent of the owner of the property for which the variance is proposed.

3. **ADDRESS OR DESCRIPTION OF THE PROPERTY.**

4. **SCALE DRAWING OF SITE AND SURROUNDED AREA.** An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred feet (300') from each boundary of the site showing the location of property lines and Rights of Way (any highway, road, street, and railroad and public utilities).

5. **NAMES AND ADDRESSES.** The names, addresses, and parcel numbers shall be listed for all parcels within five hundred feet (500') of the parcel for which a variance is sought.

6. **APPLICATION FEE** as scheduled by the Board.

C. **NOTICE.** The owners of property within five hundred feet (500') of the property that is the subject of the variance application shall receive due notice of the hearing.

D. **DUTIES.** With respect to this ordinance, the Commission is hereby delegated the following duties and responsibilities.

1. To correct errors or abuses in the administration of the ordinance by the Town, except those of the Board.

2. To grant relief when hardship results from strict application of the provisions of the ordinance.
3. To consider applications for variances.
4. To grant or deny applications for variances from the ordinance.
5. To interpret the subdivision regulations.

E. **POWERS OF THE BOARD.** The Commission 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 the Town, except those of the Board.
2. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
3. To interpret the subdivision regulations where there is a question about the purpose, intent, application or effect of the Subdivision Regulations.

F. **PRINCIPLES GUIDING BOARD DECISIONS.** The following are principles that shall guide the Commission:

1. **ACCEPTANCE OF SUBDIVISION ORDINANCE.** The Commission is bound to accept the Subdivision Ordinance as correct.
2. **PROOF OF NEED FOR A VARIANCE.** The burden is upon the appellant to prove the need for a variance.
3. **VARIANCE STANDARDS.**

(a) **UNNECESSARY HARDSHIP.** The application of the Subdivision Ordinance to the site, property or buildings will cause an unnecessary hardship.

- (1) An unnecessary hardship occurs when the strict application of the ordinance denies the applicant all

reasonable use of the property as a whole.

(2) A variance shall not be granted where the reason for obtaining a variance is to alleviate personal inconvenience, construction errors or self-created hardships.

(3) A variance shall not be granted where the reason for obtaining a variance is to obtain a more profitable use of the property or other economic reasons.

(4) The hardship cannot be one that would have existed in the absence of the Zoning Ordinance.

(b) **UNIQUE PROPERTY LIMITATIONS OR PRACTICAL DIFFICULTY.** Unique physical characteristics of the property prevents the applicant from developing in compliance with the Subdivision Ordinance.

(1) Physical features that may limit the use of property include, but are not limited to, wetlands, soil type, bedrock type and depth, groundwater depth and steep slopes.

(2) Unique property limitations are unique or special conditions or exceptional circumstances on the land in question due to lot size or shape, topography, or other physical features or circumstances, which the applicants or the owners of the property since the enactment of the ordinance have had no control over and which do not generally apply to other properties in the same zone or vicinity. The property must qualify for the variance, not the situation of the applicant.

(3) Existing violations on other properties or variances previously granted, including variances improperly granted, are not grounds for a variance. Applications for a variance must be individually evaluated based on all of these standards as applied to the property in question.

(4) Variances shall not be granted for property features that affect many properties in the same way.

(c) **PUBLIC INTEREST PROTECTED.** Granting of a variance must not harm the public interest. A variance must not violate the purpose, intent or objectives of the ordinance.

(d) The granting of a variance shall not be based on the number of persons for or against it, or the lack of opposition or support, but shall be based solely upon the equities of the situation

involved and the interest of the public at large.

(e) If granted, the variance can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

(1) The variance must not be detrimental to adjacent properties.

(2) Variances may be granted in the form of an area or dimensional variance.

(3) The use of the property and or buildings in question must presently either conform to the County Zoning Ordinance or be a legal non-conforming use. An application that would bring the property into compliance may be considered.

G. **RULES, MEETINGS, MINUTES.**

1. **RULES OF PROCEDURE.** The Commission shall adopt rules of procedure in accordance with the provisions of this ordinance.

2. **MEETING REGULATIONS.** Meetings of the Commission shall be held at the call of the Chair and at such other times as the Board may determine. Such Chair, or in his or her absence the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

3. **KEEPING MINUTES.** The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

H. **HEARING APPEALS.** The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, determination or variance and publish a Class 2 Notice thereof under Chapter 985 of the Wisconsin Statutes, as well as give due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

I. **COURT REVIEW.** Any person or persons, jointly or severally aggrieved by any decision of the Commission, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be filed with the court within 30 days after the filing of the decision of the Commission

Appeals.

J. **CERTIORARI.** Upon the presentation of such petition the court may allow a writ of certiorari directed to the Commission to review such decision of the Commission, and shall prescribe therein the time within which a return thereto must be made and served upon the realtor or his or her attorney, which shall not be less than 30 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

K. **RETURN TO WRIT.** The Board of Zoning Appeals shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.

L. **COURT DECISION.** If, upon the hearing, it shall appear to the court that testimony is necessary for the proper Disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute s part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

M. **COSTS.** Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

FEE SCHEDULE

Type of License and Fee	Amount	Ordinance #
Cigarettes	\$25.00	
Class A Beer (take out)	\$100.00	
Class B Beer (beer bar)	\$100.00	
Class A Liquor (liquor store)	\$400.00	
Class B Liquor (liquor bar)	\$400.00	
Picnic	\$10.00	
Expedited Refunds	\$10.00	1-4.0120
Building Removed, Razed	\$2.00	1-4.0605 A
Hotel Permit Application Fee	\$10.00	1-4.0835 A
Hotel Permit Renewal Fee	\$10.00	1-4.0835 C
Fireworks Application	\$25.00	2.1-1.0240 H
Commercial Animal Establishment License	\$40.00	2.1-3.0155 J
Dog License (unaltered)	\$8.00 + additional license fee	2.1-3.0125 C
Dog license (spayed, neutered)	\$3.00 + additional license fee	2.1-3.0125 C
Multiple Dog License (up to 12 dogs)	\$36.00 + additional license fee for each tag issued	2.1-3.0125 C
Multiple Dog License (additional dogs)	\$3.00 + additional license fee for each tag	2.1-3.0125 C

issued

Dog License Late Fee	\$5.00	2.1-3.0125 F
Animal Impoundment & Disposal	Set by Animal Shelter	2.1-3.0170 D
Burning Permit		2.2-3.0175
Burn Barrel		2.2-3.0175
Bartender's License	\$15.00	3-1.0110 A
Bartender's License - provisional	\$20.00	
Bartender's License Renewal	\$15.00	3-1.0110 A
Adult Entertainment Establishment Application	\$1,000.00	3-1.0230
Adult Entertainment Renewal License	\$1,000.00	3-1.0240 B
Adult Entertainment Renewal License Late Fee	\$100.00	3-1.0240
Cable System Franchise Application	\$100.00	3-1.0306
Franchise Assignment	\$100.00	3-1.0307
Franchise Late Fee	\$50 + 1.5% amount due for each month between due date and date collected by treasurer	3-1.0375
Annual Franchise	3% annual gross revenue of franchise	3-1.0380 D
Amusement Machine Operator's License	\$25/year/device or phonograph	3-1.0405 D
Mobile Home Transfer of	\$10.00	3-1.0510 G

License		
Mobile Home Annual	\$150/50 spaces or	3-1.0515 A
License Fee	fraction thereof within	
	each mobile home park	
Mobile Home Monthly	See ordinance	3-1.0525
Parking Fee		
Direct Seller	\$20.00	3-1.0620 C
Solid Waste	\$500.00	3-1.0735
Application/Annual		
License		
Recycling Center	\$500.00	3-1.0915
License		
Recycling Center	\$75.00	3-1.0915
License Renewal		
Motor Vehicle Salvage	\$500.00	3-1.1015
Yard License		
Motor Vehicle Salvage	\$75.00	3-1.1015
Yard Renewal		
Vacation Permit	\$250	4-2.0410
Driveway Permit	\$25	4-2.0710
CSM or Preliminary Plat	\$60.00	4-4.0235
Final Plat	\$50.00	4-4.0235

BUILDING AND INSPECTION FEES (2.1-4.0125)

*Under \$1,000 and no structural change does not require a permit.

Type of License and Fee	Amount
Residential	
New construction/Location - 1 or 2 family, manufactured or modular, (includes electric, plumbing, heat)	.25/ sq ft with minimum of \$250

Additions - finished	.25/sq ft with minimum of \$75
Additions - unfinished	.25/sq ft with minimum of \$50
Additions - deck, pools	\$30
Additions - re-roofing/re-siding	\$25
Alterations	.25/sq ft with minimum of \$50
Garages (attached or not)	\$50
Pole Building	.05/sq ft or \$30 minimum & \$150 maximum
Electrical (additional)	\$25
Plumbing (additional)	\$25
Heating (additional)	\$25
Inspections/Repeats (over four)	\$50
Special Inspections	\$25
Permission to Start	\$25
Commercial	
New and Additions (includes electric, plumbing, heating, construction)	\$250 + .02/sq ft
Alterations	\$150 + .02/sq ft with minimum \$50
Fines	
Start before permit/no permit - residential	\$50 to double permit fee per day
Start before permit/no permit - commercial	\$100 to double permit fee per day
Covering before inspection	\$50