
Village of Boyceville

Code of Ordinances

Ordained and Published by
Authority of the Village Board

1997

Community Code Service

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Foreword

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

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

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

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

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Adopting Ordinance

An Ordinance Adopting and Enacting a New Code of Ordinances for the Village of Boyceville, Wisconsin; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein, Except as Herein Expressly Provided; Providing for the Manner of Amending Such Code of Ordinances; Providing a Penalty for the Violation Thereof; and Providing When This Ordinance Shall Become Effective.

The Village Board of the Village of Boyceville, Wisconsin, Do Ordain as Follows:

Section 1.

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

Section 2.

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

Section 3.

- (a) The repeal provided for in Section 2 hereof shall not affect the following, except that some of the following provisions existing at the time of adoption may be amended by this recodification:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Village, or any contract or obligations assumed by the Village;
 - (3) The administrative Ordinances or resolutions of the Village not in conflict or inconsistent with the provisions of the Code;

- (4) Any appropriation ordinance or resolution;
 - (5) Any right or franchise granted by the Village Board to any person, firm or corporation;
 - (6) Any ordinance or resolution dedicating, naming, establishing, locating relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Village;
 - (7) Any ordinance or resolution establishing the prescribing of street grades of any streets in the Village;
 - (8) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor;
 - (9) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Village;
 - (10) Any ordinance annexing property to the Village;
 - (11) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures, except that these ordinances have been amended as part of this recodification;
 - (12) Zoning ordinances; one- and two-family dwelling building code; and any other building codes except that these ordinances have been amended as part of this recodification.
 - (13) Charter ordinances.
 - (14) The issuance of corporate bonds and notes of the Village of whatever name or description.
 - (15) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (b) Nor shall the repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4.

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

Section 5.

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

Section 6.

This ordinance shall become effective on _____, 19____.

Passed, Approved and Adopted by the Village Board on This ____ Day of _____, 19____.
Pursuant to Section 66.035, Wis. Stats.

Attest:

Village President

Village Clerk-Treasurer

Open Meeting Law Guide

General Requirements

1. Wisconsin's Open Meeting Law provides that all meetings of governmental bodies shall be open to all citizens at all times. Sec. 19.81(2), Wis. Stats.
2. Meetings of local governing bodies or their subunits must be held in places reasonably accessible to the public.
3. Meetings are open to all members of the public unless specifically provided otherwise by law.
4. When members of a governmental body gather in sufficient numbers to compose a quorum, that meeting is presumed to be convened for the purpose of conducting official business. Such a meeting is in violation of The Open Meeting Law if proper notice was not given and the meeting is not open to the public. Sec. 19.82(2), Wis. Stats.
5. The Open Meeting Law also applies when members of a governing body, or committee thereof, engage in business of that body and when the number of members present is potentially sufficient to determine the governing body's course of action regarding the proposal discussed [State vs. Showers, No. 85-471 (June 15, 1987)].

Public Notice

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

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

3. **Time for Notice.** Notice must be given at least twenty-four (24) hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical, in which case shorter notice may be given. In no case may notice be provided less than two (2) hours in advance of the meeting. Sec. 19.84(3), Wis. Stats.
4. **Committees and Subunits Exemption to Notice Requirement.** A legally constituted subunit of a parent government body may conduct a meeting during the recess of the governing body's meeting or immediately after the lawful meeting to act or deliberate upon a matter which was the subject of that meeting. For this exemption to apply, the presiding officer must publicly announce the time, place and subject matter of the subunit's meeting in advance at the meeting of the governing body.

Procedure for Closed Sessions.

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

Specific Exemptions Allowing Closed Sessions

1. Sec. 19.85(1)(a), Wis. Stats., creates an exemption for governmental bodies deliberating after quasi-judicial trials or hearings. However, boards of review cannot rely on this exemption, for Sec. 70.47(2m), Wis. Stats., requires all board of review meetings to be held in open session.
2. Sec. 19.85(1)(b), Wis. Stats., is a limited exception to the Open Meeting Law allowing the use of a closed session when a governmental body is considering the demotion, dismissal, licensing, discipline or tenure of a public employee or a person licensed by a board or commission. This exception permits preliminary discussion and investigation without the necessity of providing actual notice to the individual involved. However, before any evidentiary hearing can be conducted or formal action taken, notice must be given to the person involved so that he or she can exercise his or her right to request an open session for those purposes.
3. Sec. 19.85(1)(c), Wis. Stats., sanctions the use of closed sessions where governmental bodies are considering employment, promotion, compensation or performance evaluation of any public employee. Governmental bodies should exercise caution when considering performance to avoid discussing matters that are covered by Sec. 19.85(1)(b), Wis. Stats.
4. Sec. 19.85(1)(c), Wis. Stats., permits the use of closed sessions when applications for parole or probation are being considered, or when crime detection or prevention strategy is to be discussed.
5. Sec. 19.85(1)(e), Wis. Stats., allows closed sessions for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds, or the conducting of other specified public business, as long as competitive or bargaining reasons require a closed session. Under this exception, a governmental body could meet in closed session for the purpose of forming negotiation strategies, although the body must give notice that an open session will be held for the purpose of taking a vote to convene in closed session for the purpose of discussing labor negotiation strategies.
6. Discussions by governmental bodies considering the financial, medical, social or personal histories or disciplinary data of specific persons which, if conducted in public, would have a "substantial adverse effect upon the reputation of any person referred to" may be held in closed session under Sec. 19.85(1)(f), Wis. Stats. However, this exemption is unavailable where Sec. 19.85(1)(b), Wis. Stats., is applicable.
7. Sec. 19.85(1)(g), Wis. Stats., allows a governmental body to confer with its legal counsel in closed session for the purpose of obtaining oral or written advice concerning strategy to be adopted by the body with respect to present and prospective litigation directly involving the governmental body.
8. Closed sessions may be utilized by governmental bodies to consider requests for confidential written advice from ethics boards under Sec. 19.85(1)(h), Wis. Stats.

Limitations on Closed Sessions

1. Sec. 19.85(2), Wis. Stats., makes it impermissible for a governmental body to reconvene in open session within twelve (12) hours after a closed session, unless public notice of the subsequent open session was given at the same time and in the same manner as was required for the original open session.
2. Final ratification or approval of a collective bargaining agreement is required to be in open session under Sec. 19.85(3), Wis. Stats. However, a governmental body can vote to preliminarily approve bargaining proposals in closed session, in order to reach a consensus, as long as final ratification occurs in open session.

Ballots, Votes and Records

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

Use of Equipment in Meetings

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

Community Code Service

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Code of General Ordinances

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

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TITLE 1

General Provisions for Use of Code of Ordinances

Chapter 1	Use and Construction of Code of Ordinances
Chapter 2	Use of Citation

Chapter 1

Use and Construction of Code of Ordinances

- 1-1-1 Title of Code; Citation
- 1-1-2 Principles of Construction
- 1-1-3 Conflict of Provisions
- 1-1-4 Separability of Provisions
- 1-1-5 Effective Date of Ordinances
- 1-1-6 General Penalty
- 1-1-7 Village Clerk-Treasurer to Maintain Copies of Documents
Incorporated by Reference

Sec. 1-1-1 Title of Code; Citation.

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

Sec. 1-1-2 Principles of Construction.

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

- (a) **Acts by Agents.** When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of this Code shall refer to this Code of Ordinances of the Village of Boyceville unless the context of the section clearly indicates otherwise.
- (c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a

Sec. 1-1-3 Conflict of Provisions.

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

Sec. 1-1-4 Separability of Provisions.

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

Sec. 1-1-5 Effective Date of Ordinances.

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

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

Sec. 1-1-6 General Penalty.

- (a) **General Penalty.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) **First Offense — Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00), together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (2) **Second Offense — Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a

- a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;
 - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
- (3) If the Court finds that a juvenile's parent or guardian is unable to provide or refuses to provide a court-ordered AODA services for juvenile through his or her health insurance or other third (3rd) party payments, the Court may order the parent or health insurer to pay.
 - (4) If payment is not attainable as described in Subsection (e)(3) above, the Court may order the municipality to pay for any AODA services so ordered.
- (f) **Dispositional Alternatives for Other Ordinance Violations.** The Court may impose one (1) or more of the following dispositional alternatives against a juvenile found to have violated a municipal ordinance, for which no penalty is otherwise provided, as follows:
- (1) Counseling for the juvenile and/or the parent or guardian;
 - (2) A forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing the same violation.
 - (3) If the forfeiture is for a violation that is only applicable to a juvenile, the maximum forfeiture amount is Fifty Dollars (\$50.00) plus costs;
 - (4) Suspend a fishing, hunting or driving license from ninety (90) to five (5) years for failure to pay the forfeiture;
 - (5) Order the juvenile to participate in a supervised work program or other community service work;
 - (6) Order participation in an AODA assessment, an outpatient AODA treatment or an AODA education program;
 - (7) Order participation in a pupil assistance program provided by the juvenile's school provided the juvenile's school agrees;
 - (8) In addition to the dispositions listed above, the Court may order a juvenile to participate in a teen court program if the following conditions are satisfied:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, guardian or legal custodian present;

Chapter 2

Use of Citation

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

Sec. 1-2-1 Authorization for Use of Citation.

The Village of Boyceville hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provisions of this Code of Ordinances are hereby authorized pursuant to Sec. 66.119(1)(a), Wis. Stats., to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists.

Sec. 1-2-2 Officials Authorized to Issue Citation.

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

- (a) Building Inspector.
- (b) Fire Inspector.
- (c) Weed Commissioner.

Sec. 1-2-3 Forms of Citation.

Each citation shall contain the information required by State law and may contain additional information.

TITLE 2

Government and Administration

- Chapter 1** Village Government and Elections
- Chapter 2** Village Board
- Chapter 3** Municipal Officers and Employees
- Chapter 4** Boards, Commissions and Committees
- Chapter 5** Ethics Code and Employment

Chapter 1

Village Government and Elections

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

Sec. 2-1-1 Village Government.

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

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

Sec. 2-1-2 Election Poll Hours.

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

Sec. 2-1-3 Official Newspaper.

The official Village newspaper shall be as designated by the Village Board, to be used for the publication of legal and/or official notices and documents when publication is used instead of posting as allowed by Wisconsin law.

Sec. 2-1-4 Election Officials.

- (a) Pursuant to the Wisconsin Statutes, there is hereby established one (1) set of election officials to conduct elections in the wards of the Village which shall consist of seven (7)

election inspectors. However, the Village Clerk-Treasurer shall have the power to limit the number of election officials. The Clerk-Treasurer shall determine in advance of each election whether the number of election officials for such election should be reduced from the number prescribed by the Wisconsin Statutes, and if such a reduction is so determined, the Clerk-Treasurer shall further redistribute duties among the remaining officials.

- (b) The Clerk-Treasurer may deem necessary from time to time to select and employ tabulators for certain elections due to the high projected voter turnout. Tabulators shall assist and be under the direction of the election officials after the close of the polls. The Village Clerk-Treasurer shall select and employ tabulators, if needed, for any election.

Chapter 2

Village Board

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

Sec. 2-2-1 Village Board.

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

State Law Reference: Sections 61.32 and 61.34, Wis. Stats.

Sec. 2-2-2 Trustees.

- (a) **Election, Term, Number.** The Village of Boyceville shall have six (6) Trustees in addition to the President, who is a Trustee by virtue of his office as President. The six (6) Trustees shall constitute the Village Board. Three (3) Trustees shall be elected at each annual spring election for a term of two (2) years, commencing on the third Tuesday of April in the year of their election.
- (b) **Appointment as President.** A Village Trustee shall be eligible for appointment as Village President to fill an unexpired term.

State Law Reference: Sections 61.20 and 61.325, Wis. Stats.

Sec. 2-2-3 Village President.

- (a) **Election.** The Village President shall be elected at the annual spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.
- (b) **Duties.** The Village President shall by virtue of his/her office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, resolutions, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. The Village President shall maintain peace and good order, see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he/she shall deem necessary, who for the time being shall possess all the powers and rights of constables.

State Law Reference: Sec. 61.24, Wis. Stats.

Sec. 2-2-4 Standing Committees.

- (a) **Committee Appointments.** Standing committees of the Village are appointed by the Village President, subject to confirmation by the Village Board. The appointments to each committee shall be made at the annual organizational meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendations for Board action.
- (b) **Committees Designated.** The Village shall have the following committee with three (3) Trustees serving on each:
 - (1) **Finance, Planning and Personnel Committee.**
 - a. Review financial planning, loan arrangements, contracts, rental agreements, insurance policies, rate schedules before presentation to Board for action.

- b. Suggest regulations for proper use of buildings.
 - c. Check tax roll and tax receipts.
 - d. Prepare annual budget.
 - e. Check claims and vouchers prior to payment.
 - f. Review applications for new employees, all Village personnel policies, job descriptions, evaluations, working conditions, wages and benefits.
 - g. TIF District and floodplain.
 - h. Receive Development Committee recommendations regarding economic development revolving fund loans.
 - i. Review of municipal ordinance code.
- (2) ***Building and Property Committee (Development, Parks and Activities).***
- a. Supervise the necessary upkeep of all buildings and property.
 - b. Planning of new buildings, library facilities, community center activity, village machinery and forestry care.
 - c. Suggest regulations for proper use of buildings.
 - d. Make recommendations and report to the full Board.
 - e. Promote the Village of Boyceville.
 - f. Pursue improving facilities, appearance, goodwill and cooperation within the Village.
 - g. Encourage new business, present business, help improve enterprises and facilities.
 - h. Provide recommendation to Finance Committee regarding economic development revolving fund loans.
 - i. Oversee all festival activities.
 - j. Liaison with School Board.
 - k. Promulgate a program for renewing downtown Boyceville.
 - l. Keep in contact with Boyceville business people for new ideas.
 - m. Manage trailer park.
 - n. Management of Village parks and related athletic activities therein.
- (3) ***Public Safety Committee (Transportation).***
- a. Supervise planning for improvement on airport facilities.
 - b. Work with Airport Booster Club relative to operation of airport.
 - c. Keep familiar with needs on streets, sidewalks and alleys and authorize repairs.
 - d. Check Village drainage improvements, street improvements, new streets and inform Village Board.
 - e. Review improvement and progress.
 - f. Monitor street maintenance.
 - g. Monitor police operations.
 - h. Civil defense (Joint with County).
 - i. Traffic code (State & local).
 - j. Public peace and order.
 - k. Public nuisances.

- l. Keep familiar with ambulance and fire department operations.
 - m. Meet regularly with ambulance and fire personnel.
 - n. Municipal Court.
- (4) **Water and Sewer Committee (Health, Welfare Environment, Waste and Recycling.**
- a. Keep surveillance of proper housing.
 - b. Health and sanitation.
 - c. Licenses and permits (dogs, beer, liquor, dances, mobile homes, etc.)
 - d. Supervise new construction.
 - e. Oversee water and wastewater facility; monitor operation and authorize urgent repairs.
 - f. Keep familiar with DNR regulations.
 - g. Sewer rates, charges, cost assessments, etc.
 - h. W.P.S.C. water rates, charges, policies, etc.
 - i. Meet with County Planning Committee to develop and oversee the operation of a recycling system for our solid waste.
 - j. Monitor solid waste and landfill program.
 - k. Participate with County Planning Committee relative to operational costs and service fees.
- (c) **President to Designate Chairpersons; Committees-of-the-Whole; Special Committees.** The Village President shall designate the chairperson of standing committees. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
- (1) All Trustees shall serve on at least one standing committee if appointed. The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
 - (2) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
 - (3) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the board stating the number of members and object thereof to perform such duties as may be assigned to them. All special committees shall cease to exist after the April Board meeting unless reappointed by the Village President or extended by the Village Board.
- (d) **Committee Reports.**
- (1) All committees are subunits of the Village Board and perform no executive or administrative Village function other than as specifically authorized by ordinance or policy adopted by the Village Board.
 - (2) Each committee shall give the full Board a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Each committee report shall include the date, time, and

place of the meeting and the members attending. Each such committee report, verbal or written, is deemed to be the product of the entire committee, whether any item therein is approved unanimously or not. Each such report should provide all necessary historical background to familiarize the Board with the issue.

- (3) If a committee member in a particular committee disagrees with the position taken by the committee on an issue, such member may address the Board with the minority position. The Board shall permit one (1) committee member supporting the majority position equal time to address the Board on such issue.
- (e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a more specific delegation or definition elsewhere in this Code of Ordinances regarding the authority of a Village officer, employee, board, committee, or association, the latter shall prevail.
- (f) **Cooperation of Village Officers.** All Village officers shall, upon request of the chairperson of any committee, confer with the committee and supply such information as the committee may request upon any pending matter. A committee shall not assume responsibility for the administration of any Village Department.

Sec. 2-2-5 General Powers of the Village Board.

- (a) **General.** The Village Board shall be vested with all the powers of the Village not specifically given some other officer. Except as otherwise provided by law, the Village Board shall have the management and control of the Village property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for the government and good order of the Village, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.
- (b) **Acquisition and Disposal of Property.** The Village Board may acquire property, real or personal, within or without the Village, for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewage or waste disposal, harbors, improvement of watercourses, public grounds, vehicle parking areas and for any other public purpose; may acquire real property within or contiguous to the Village, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statutes.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Village Board and in furtherance thereof, the Board is expressly authorized to acquire by gift, purchase or condemnation under the Wisconsin Statutes, any and all property rights in lands or waters, including rights of access and use, negative or positive easements,

restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sections 61.35 and 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.

- (d) **Village Finances.** The Village board may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the Village finances. The Village Board may loan money to any school district located within the Village or within which the Village is wholly or partially located in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the Board of the district may borrow money from such Village accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one-half (1/2) of the estimated receipts for such district as certified by the State Superintendent of Public Instruction and the local School Clerk. The rate of interest on any such loan shall be determined by the Village Board.
- (e) **Construction of Powers.** Consistent with the purpose of giving to villages the largest measure of self-government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Village Board in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of villages to promote the general welfare, peace, good order and prosperity of the Village and its inhabitants.

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

Sec. 2-2-6 Cooperation with Other Municipalities.

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

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

Sec. 2-2-7 Internal Powers of the Board.

The Village Board has the power to preserve order at its meetings. Members of the Village board shall be residents of the Village at the time of their election and during their terms of office.

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

Sec. 2-2-8 Salaries.

The Village President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that a salary be paid the President, Trustees, and other Village officials and employees. The salaries and compensation to be paid to Village officers and employees shall be annually determined by the Village Board. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

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

Sec. 2-2-9 Meetings.

- (a) **Regular Meetings.** Regular meetings of the Village Board shall be held on the second Monday of each calendar month at 7:00 p.m., except when the day so designated falls on a legal holiday, in which case the regular meeting shall be held at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board Meeting, notice thereof shall be posted at the Municipal Building in the Village of Boyceville and in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Municipal Building, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting.
- (b) **Annual Organizational Meeting.** The Village Board shall hold an annual organizational meeting on the third Tuesday in April or on the first regular meeting in May following the spring election for the purpose of organization.
- (c) **Board Minutes.** The Village Clerk-Treasurer shall keep a record of all Board proceedings and cause the proceedings to be published.

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

Sec. 2-2-10 Special Meetings.

- (a) Special meetings of the Board may be called by the Village President, or by two (2) Trustees filing a request with the Village Clerk-Treasurer at least forty-eight (48) hours prior to the time specified for such meeting. The Village Clerk-Treasurer shall select the day for the special meeting and immediately notify each Trustee of the time and purpose of such meeting. The notice shall be delivered or mailed to each Trustee personally or left at his/her usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. However, an emergency meeting, as defined in Chapter 19, Wis. Stats., may be held

upon two (2) hours legal notice. The Village Clerk-Treasurer shall cause a record of such notice to be filed in his/her office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of Sec. 61.32 and Chapter 19, Subch. IV, Wis. Stats. The Village Clerk-Treasurer shall give notice immediately upon the call for such meeting being filed with him/her.

- (b) The request for any special meeting shall state the purpose for which the meeting is to be called and no business shall be transacted but that for which the meeting has been called.

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

Sec. 2-2-11 Open Meetings; Adjournment of Meetings.

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

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

Sec. 2-2-12 Quorum.

- (a) Four (4) members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The Village President shall be counted in computing a quorum.
- (b) When the presiding officer shall have called the members to order, the Village Clerk-Treasurer shall proceed to call the roll in alphabetical order, noting who are present, and who are absent, and if, after having gone through with the call, it shall appear that a quorum is not present, the fact shall be entered in the minutes, and the members present

may adjourn to a later date in the month; if they do not establish the next meeting date, the Village Board shall stand adjourned to the time appointed for the next regular meeting unless a special meeting is called sooner.

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

Sec. 2-2-13 Presiding Officers.

- (a) **The Village President Shall Preside.** Village President shall preside over meetings of the Village Board. In case of absence of the Village President, the Village Clerk-Treasurer shall call the meeting to order and the Trustees present shall elect one of their number acting President Pro Tem.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in *Robert's Rules of Order*, unless otherwise provided by statute or by these rules. Any member shall have the right to appeal from a decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer.

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

Sec. 2-2-14 Meeting Agendas; Order of Business.

- (a) **Agenda.**
 - (1) The order of business at all regular or special meetings shall be according to the agenda prepared by the Clerk-Treasurer. All matters to be presented at a Board meeting shall be filed with a Clerk-Treasurer no later than 12:00 noon on the Friday preceding the scheduled regular Board meeting to enable the Clerk-Treasurer to prepare the agenda and all attachments and distribute the same to the Village Board. Matters filed after 12:00 noon on the Friday preceding the Board meeting will not be placed upon the agenda. The President may waive the filing deadline for emergency cause shown.
 - (2) A submitting department shall include copies of all material necessary to consider the agenda item.
 - (3) The Village President shall advise the Clerk-Treasurer whether to include an item on the agenda, except that the Trustees calling a special meeting shall decide which items shall be first considered at such special meeting.
 - (4) The Clerk-Treasurer shall afford the Trustees maximum reasonable notice of agenda items as each situation allows.

- (b) **Order of Business.** Generally, the following order may be observed in the conduct of all regular Board meetings:
- (1) Call to order.
 - (2) Roll call.
 - (3) Approval of minutes, and any corrections, of preceding regular and special meetings.
 - (4) Unfinished business.
 - (5) Committee reports.
 - (6) Reports of Village officers.
 - (7) Communications and miscellaneous business as permitted by law.
 - (8) New business, (specific agenda items to be listed) including the introduction of Ordinances and Resolutions.
 - (9) Adjournment.
- (c) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

Sec. 2-2-15 Introduction of Business; Resolutions and Ordinances; Disposition of Communications.

- (a) **Ordinances; Resolutions.** All ordinances shall be prepared as follows:
- (1) Each ordinance shall include a note stating the purpose thereof prepared by the sponsor. All ordinances submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title.
 - (2) The sponsor of an ordinance or resolution may be the President, one (1) or more Trustees, or a committee, board, or commission. The Clerk-Treasurer or the Village Attorney may sponsor ordinances or resolutions when changes in state law make it necessary or desirable for the Village to act rapidly.
 - (3) On ordinances that require special handling, the Clerk-Treasurer shall assure that an editorial note is prepared showing compliance with such special handling.
 - (4) The Clerk-Treasurer may reject any ordinance from placement on the agenda which fails to comply with this Section.
 - (5) Resolutions shall be in writing at the request of one Trustee; such request shall be nondebatable.
 - (6) Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need be read in full.
 - (7) Resolutions may be referred to an appropriate standing committee for an advisory recommendation.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be

amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

- (c) **Notice.** The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
- (d) **Disposition of Petitions, Communication, Etc.** Every petition or other writing of any kind, addressed to the Village Board or to the Village Clerk-Treasurer or other Village officer for reference to the Village Board, shall be delivered by such other Village officer to the Village President or to the presiding officer of the Board as soon as convenient after receipt of same, and in any event, prior to or at the opening of the next meeting of the Village Board following the receipt of same. Every such petition, or other writing, and every paper, communication or other proceeding which shall come before the Board for action, may be referred by the Village President or presiding officer to the appropriate committee or commission, unless objected to by some member of the Board.
- (e) **Reference and Reports.** The presiding officer may refer new business coming to the Board to the appropriate Board committee unless otherwise referred or acted upon by the Village Board. All referrals, unless otherwise provided for in the referral, shall be reported on at the next regular Board meeting. Village Board motions based upon committee or commission action is permissible only on items specifically on the agenda.

Sec. 2-2-16 Publication and Effect of Ordinances.

- (a) All general ordinances of the Village and all regulations imposing any penalty shall be published in the official paper of the Village once or posted according to state law, and shall be immediately recorded by the Village Clerk-Treasurer in a book kept for that purpose and/or the Village Code of Ordinances. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Village Board shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication/posting thereof, unless otherwise provided.

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

Sec. 2-2-17 Conduct of Deliberations.

- (a) **Roll Call Votes.** A roll call shall not be necessary on any questions or motions except as follows:
 - (1) When the ayes and noes are requested by any member.
 - (2) On confirmation and on the adoption of any measure assessing or levying taxes, appropriations or disbursing money or creating any liability or charge against the Village or any fund thereof in excess of Ten Thousand Dollars (\$10,000.00).

- (3) When required by the state statutes of Wisconsin.
- (b) **Record of Votes.** All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board or the President. The Village Clerk-Treasurer shall call the roll in an order that shall rotate with each meeting; however, the Village President shall always vote last.
- (c) **Parliamentary Procedure.** Except as provided below, the Village Board shall in all other respects determine the rules of its procedure, which shall be governed by *Robert's Rules of Order, Revised (1984)*, which is hereby incorporated by reference, unless otherwise provided by ordinance or Statute, except when otherwise limited or modified by this Code of Ordinances:
- (1) No Trustee shall address the Board until he/she has been recognized by the presiding officer. He/she shall thereupon address himself to Board and confine his/her remarks to the question under discussion and avoid all personalities.
 - (2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
 - (3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.
 - (4) When a question is in debate, no action shall be in order except:
 - a. To adjourn;
 - b. To lay on the table;
 - c. The previous question;
 - d. To postpone to a certain date;
 - e. To refer to a standing, select or special committee;
 - f. To amend;
 - g. To postpone indefinitely;and these several motions shall have precedence in the order in which they stand.
 - (5) The person who made the motion may request leave to withdraw a motion at any time prior to voting on the question. Such a request requires no second. If any member objects, the presiding officer shall put the question of granting the request to vote.
- (d) **Compelling Votes.** No member may be compelled to vote. When a member abstains from voting, the effect is the same as if the member voted on the prevailing side. The "prevailing side" is defined as the votes accumulated which resulted in carrying or defeating a question. In case of a tie vote (not including the abstention), the abstaining vote is considered a "naye." In case of a vote requiring approval by more than a simple majority, an abstaining vote is considered an "aye."
- (e) **Majority Vote.** Unless a larger number is required by statute, ordinance or bylaw, a majority vote of those present at a legally constituted meeting is necessary to carry a question.

Sec. 2-2-18 Reconsideration of Questions.

Any member voting on the prevailing side may move for reconsideration of any question except those which cannot be reconsidered pursuant to *Robert's Rules of Order, Revised*.

Sec. 2-2-19 Disturbances and Disorderly Conduct.

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

Sec. 2-2-20 Amendment of Rules.

The rules of Sections 2-2-17 through 2-2-19 shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over from a regular meeting, and then it shall require a vote of two-thirds (2/3) of all the members of the Board.

Sec. 2-2-21 Suspension of Rules.

These rules shall not be suspended except by a two-thirds (2/3) vote of all the members of the Board.

Chapter 3

Municipal Officers and Employees

2-3-1	General Provisions
2-3-2	Appointed Officials
2-3-3	Village Clerk-Treasurer
2-3-4	Deputy Clerk-Treasurer
2-3-5	Village Attorney
2-3-6	Chief of Police
2-3-7	Fire Chief
2-3-8	Weed Commissioner
2-3-9	Director of Public Works
2-3-10	Assessor
2-3-11	Municipal Judge
2-3-12	Eligibility for Office
2-3-13	Oaths of Office
2-3-14	Vacancies
2-3-15	Removal from Office
2-3-16	Custody of Official Property

Sec. 2-3-1 General Provisions.

- (a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.
- (b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.
- (d) **Legal Representation.** Whenever a Village official in his/her official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or

maintain his/her official position, or because of some act arising out of the performance of his/her official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide for payment to such official such sum as it sees fit, to reimburse him/her for the expenses reasonably incurred for costs and attorney's fees.

Sec. 2-3-2 Appointed Officials.

- (a) The Village officials hereinafter set forth shall be appointed by the Village President, subject to confirmation by a majority vote of the Board; and one (1) or more of said offices may be held by the same person. Persons appointed to perform the duties of the following offices shall hold office for an indefinite term, subject to removal as provided by Sec. 17.12(1)(c) and (d), Wis. Stats.
 - (1) Clerk-Treasurer.
 - (2) Director of Public Works.
 - (3) Village Attorney.
 - (4) Building Inspector.
 - (5) Assessor.
 - (6) Chief of Police.
- (b) All confirmation votes by the Village Board shall be by simple majority vote, except that in the case of the offices of Clerk-Treasurer and Assessor a confirmation vote by two-thirds (2/3) of the Board members is required.
- (c) The Village President shall not vote on the confirmation of such appointments, except in case of a tie.

Sec. 2-3-3 Village Clerk-Treasurer.

- (a) **Consolidated Offices.** Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village of Boyceville hereby elects not to be governed by those portions of Sections 61.19, 61.23 and 61.25(2), Wis. Stats., which relate to the selection and tenure of the Clerk and Treasurer, and which are in conflict with this Section.
- (b) **Appointment.** The office of Village Clerk-Treasurer shall be filled by appointment in the manner of other appointed officials as provided in Section 2-3-2.
- (c) **Duties.** The Village Clerk-Treasurer shall perform the statutory duties of Village Clerk and Treasurer and such other duties as required by the Village Board. (Charter Ordinance.)

Sec. 2-3-4 Deputy Clerk-Treasurer.

The Clerk-Treasurer may appoint a Deputy Clerk-Treasurer(s), subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer(s) shall have an indefinite term of office. The Deputy Clerk-Treasurer(s) shall act under the Village Clerk-

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

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

Sec. 2-3-5 Village Attorney.

- (a) **Appointment.** The Village Attorney is an appointed position. The Village Attorney shall be appointed pursuant to Section 2-3-2, except the Village Attorney shall serve at the pleasure of the Board.
- (b) **Duties.** The Village Attorney shall have the following duties:
 - (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
 - (2) The Village Attorney shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village.
 - (3) The Village Attorney shall draft ordinances, bonds and other instruments as may be required by Village officers.
 - (4) The Village Attorney may appoint an assistant, who shall have power to perform his duties and for whose acts he/she shall be responsible to the Village. Such assistant shall receive no compensation from the Village, unless previously provided by ordinance.
 - (5) The Village Board may employ and compensate special counsel to assist in or take charge of any matter in which the Village is interested.
 - (6) The Village Attorney shall perform such other duties as provided by State law and as designated by the Village Board.

Sec. 2-3-6 Chief of Police.

- (a) **Appointment.**
 - (1) The Chief of Police shall be appointed pursuant to Section 2-3-2, subject to removal pursuant to the procedures established in Sec. 61.65(1)(am), Wis. Stats. The Chief shall exercise the powers and duties of Village marshals and Village constables and any other powers and duties prescribed by the Village Board, Village ordinances or the Wisconsin Statutes. Upon a permanent vacancy, an officer designated by the Board shall temporarily replace the Chief until the vacancy is filled by the Village Board.
 - (2) The compensation to be paid the Chief of Police for his/her services, the hours of active duty, rest days, vacation periods and other involvement of his/her employment shall be such as may be determined by the Village Board from time to time.

(b) **General Duties.**

- (1) The Chief of Police shall have command of the Police Department. He/she shall have general administration and control of the Department and shall be responsible for the Department's government, efficiency and general good conduct. He/she shall perform all duties prescribed to him/her by the laws of the State and the Ordinances of the Village and shall obey all lawful written orders of the Village Board or appropriate Committee thereof.
- (2) The Chief of Police shall cause the public peace to be preserved and may arrest and with reasonable diligence take before the proper court every person found in the Village engaged in any disturbance of the peace or violating any law of the State or Ordinance of the Village. The Chief shall cooperate with other law enforcement officers in the arrest or apprehension of person charged with crime. The Chief of Police shall see that all laws and ordinances of the Village and State are enforced. Whenever any violation thereof shall come to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall exercise supervisory control over all the personnel of his/her department and may adopt, subject to the approval of the Village Board, rules and regulations for the government, discipline, equipment and uniforms of the police officers. The Chief of Police shall be solely responsible for the care and condition of the equipment used by his/her Department. The Chief of Police shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

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

Sec. 2-3-7 Fire Chief.

- (a) **Appointment.** The Fire Chief shall assume office pursuant to the bylaws of the Fire Department. The Fire Chief shall be the Village Fire Inspector by virtue of his office.
- (b) **Powers and Duties of Chief.**
 - (1) The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.
 - (2) The Fire Chief shall enforce all fire prevention ordinances of this Village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

Cross Reference: Title 5, Chapter 2.

Sec. 2-3-8 Weed Commissioner.

The Weed Commissioner shall be appointed by the Village President, subject to Village Board confirmation. The term of office of the Weed Commissioner shall commence on the first day of May following his appointment. The Weed Commissioner shall take the official oath, which oath shall be filed in the Office of the Village Clerk-Treasurer and shall hold office for one year.

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

SEC. 2-3-9 Director of Public Works.

(a) **Appointment.** The Director of Public Works shall be appointed pursuant to Section 2-3-2.
(b) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:

- (1) The Director of Public Works shall have general charge and supervision of all public works in the Village.
- (2) The Director of Public Works shall be responsible for the maintenance, repair, operations, and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, water and sewer, Village buildings and structures and all machinery, equipment and property used in any activity under his/her control.
- (3) The Director of Public Works shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning, mosquito and rodent control.
- (4) The Director of Public Works shall perform such other activities and duties as are imposed upon him/her from time to time by the Village Board, his job description or employment contract.

Sec. 2-3-10 Assessor.

- (a) Pursuant to Sections 61.195, 61.197 and 66.01 of the Wisconsin Statutes, the Village hereby elects not to be governed by those portions of Sections 61.19 and 61.23 of the Statutes which relate to the selection and tenure of the Village Assessor, and which are in conflict with this Section (Charter Ordinance).
- (b) Hereafter, instead of being elected, the Assessor or assessing firm, shall be appointed pursuant to Section 2-3-2. Said person so appointed to perform the duties of such office shall have an indefinite term or as determined by contract. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent

contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stats., and sign the affidavit of the Assessor attached to the assessment roll under Sec. 70.49, Wis. Stats. No person may be designated by any corporation or independent contractor unless he/she has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this Subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

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

Sec. 2-3-11 Municipal Judge.

- (a) **Election.** The Municipal Judge shall be elected at large at the spring election in the even-numbered years for a term of ~~four~~(4) years commencing on May 1 succeeding his election.
- (b) **Salary.** The Municipal Judge shall receive a salary as determined from time to time by the Village Board which shall be in lieu of fees and costs. No salary shall be paid to the Municipal Judge for any time during his term for which he has not executed and filed his/her official bond and oath as required by Subsection (c).
- (c) **Bond: Oath.** The municipal Judge shall execute and file with the Clerk of the Circuit Court for Dunn County the oath and bond prescribed by Sec. 755.03, Wis. Stats.
- (d) **Jurisdiction.** The Municipal Judge shall have such jurisdiction as provided in Sec. 755.045, Wis. Stats., and exclusive jurisdiction of violations of Village ordinances.
- (e) **Procedure.**
 - (1) The Court of the Municipal Judge shall be called the "Municipal Court for Village of Boyceville, Wisconsin" and shall be open at such times as the Municipal Judge shall determine. Court shall generally be scheduled for the second and fourth Wednesdays of each month. In the event the Municipal Judge determines either or both sessions should be cancelled, the Municipal Judge shall so notify the Village Clerk and advise of the reason.
 - (2) The Municipal Judge shall keep his/her office and hold court in the Boyceville Municipal Building.
 - (3) The procedure in Municipal Court shall be as provided in Chapters 66, 755, 757 and 800, Wis. Stats., and as otherwise provided by law.
 - (4) The Municipal Judge shall collect all forfeitures, fines and taxable costs in any action or proceeding before him and shall pay over such moneys to the Village Clerk-Treasurer not later than the month succeeding his/her receipt thereof.
- (f) **Contempt of Court.**
 - (1) The Municipal Judge may punish for contempt of Municipal Court for the Village of Boyceville persons guilty of either of the following acts and not other:

- a. Disorderly, contemptuous or insolent behavior committed during its sittings, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority.
 - b. Any breach of the peace, noise or disturbance directly tending to interrupt its proceedings.
 - c. Willful disobedience of any process or order lawfully issued or made by it.
 - d. Resistance, willfully offered, by any person to the lawful order or process of the court.
 - e. The contumacious and unlawful refusal of any person to be sworn as a witness and when so sworn, the like refusal to answer any legal and proper interrogatory.
 - f. The practicing as an attorney in such court without being first licensed as such in the manner provided by law.
 - g. Any failure of a person subpoenaed as a witness for refusing or neglecting to obey such subpoena.
 - h. The act of unlawfully detaining within Dunn County, any witness or party to an action while going to, remaining at or returning from court where such action has been set for hearing or trial and any other unlawful interference with the process or proceedings in any action within the County of Dunn.
- (2) Contempt committed in the immediate view and presence of the Judge and after the party so charged being heard in his/her defense, may be punished summarily; in other cases the party shall be notified of the accusation and have a reasonable time to make his/her defense.
 - (3) The Municipal Judge may, upon finding any person guilty of contempt, order such person to forfeit not more than Fifty Dollars (\$50.00) or upon nonpayment of the forfeiture penalty assessment under Sec. 165.87, Wis. Stats., jail assessment under Sec. 302.46, Wis. Stats., automatic reinstatement assessment under Sec. 345.54(1), Wis. Stats., and any applicable domestic abuse assessment under Sec. 973.055(1), Wis. Stats., a jail sentence not to exceed seven (7) days.
 - (4) Each act of contempt of court shall constitute a separate offense.

Sec. 2-3-12 Eligibility for Office.

- (a) No person shall be elected by the people to a Village office, who is not at the time of his/her election, a citizen of the United States and of this State, and an elector of the Village, and in case of a ward office, of the ward, and actually residing therein.
- (b) An appointee by the Village President, requiring to be confirmed by the Village Board, who shall be rejected by the Board, shall be ineligible for appointment to the same office for one (1) year thereafter.

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

Sec. 2-3-13 Oaths of Office.

- (a) **Oath of Office.** Every officer of the Village, including members of Village boards and commissions, shall, before entering upon his duties and within five (5) days of his/her election or appointment or notice thereof, take the oath of office prescribed by law and file such oath in the office of the Village Clerk-Treasurer. Any person reelected or reappointed to the same office shall take and file an official oath for each term of service.
- (b) **Form, Procedure.** The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subchapter I, Wis. Stats.

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

Sec. 2-3-14 Vacancies.

- (a) **How Occurring.** Except as provided in Subsection (c) below, vacancies in elective and appointive positions occur as provided in Sections 17.03 and 17.035, Wis. Stats.
- (b) **How Filled.** Vacancies in elective and appointive offices shall be filled as provided in Sec. 17.23, Wis. Stats.
- (c) **Temporary Incapacitation.** If any officer be absent or temporarily incapacitated from any cause, the Board may appoint some person to discharge his duties until he returns or until such disability is removed.

State Law Reference: Sec. 61.23, Wis. Stats.

Sec. 2-3-15 Removal from Office.

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

Annotation: 62 Atty. Gen. Op. 97.

Sec. 2-3-16 Custody of Official Property.

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

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

CHAPTER 4

Boards, Commissions and Committees

2-4-1	Board of Review
2-4-2	Zoning Board of Appeals
2-4-3	Library Board
2-4-4	General Provisions Regarding Meetings and Public Notice

Sec. 2-4-1 Board of Review.

- (a) **Composition.** The Board of Review of the Village of Boyceville shall be composed of the Village President, Clerk-Treasurer and the Village Trustees. The Village Clerk-Treasurer shall serve as Clerk of the Board of Review. The Assessor shall attend all meetings of the Board of Review, but shall not vote.
- (b) **Compensation.** The members of the Board of Review shall receive compensation as determined by resolution of the Village Board.
- (c) **Duties.** The duties and functions of the Board of Review shall be as prescribed in Sections 70.46 and 70.47, Wis. Stats.
- (d) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board do hereby exercise their right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and shall designate the hours of the annual Board of Review by separate resolution. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.
- (e) **Objections to Valuations to be Written.** No person shall be permitted to appear and make objection before the Board of Review of the Village of Boyceville to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the Clerk of the Board of Review.
- (f) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(4)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to a used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office an sue by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1) Wis. Stats.
- (g) **Severability.** The several section of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

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

Sec. 2-4-2 Zoning Board of Appeals.

- (a) **Establishment.** A zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, is. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village and local ordinances shall prevail in that order. The Zoning Board of Appeals shall consist of five (5) citizen members and two (2) alternate members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairman.
- (b) **Powers.** The Zoning Board of Appeals shall have the following powers:
- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any Village Zoning Code or any ordinance adopted under Sections 62.23, 61.35 or 62.231 (wetlands), 87.30 or 144.26 (flood plains) or chapter 91 (farmland preservation), Wis. Stats.
 - (2) To hear and decide special exceptions to the terms of the Village zoning and floodplain zoning regulations upon which the Board of Appeals is required to pass.
 - (3) To authorize, upon appeal in specific cases, such variance from the terms of the Village zoning regulations as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning code shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district. The Zoning Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance.
 - (4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.
 - (5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirements of the Zoning code. The grounds of every such determination shall be stated and recorded. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the land use permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(c) **Meeting and Rules.**

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

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

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

Sec. 2-4-3 Library Board.

(a) **Organization; Terms.**

- (1) There is hereby created, pursuant to Chapter 43 of the Wisconsin Statutes, a municipal Library Board for the Village consisting of six (6) members. Membership shall consist of one (1) Village Trustee and five (5) citizens appointed by the Village President, subject to confirmation by the Village Board.

- (2) Terms of such members shall be from May 1st in the year of their appointment and thereafter each regular appointment shall be for a term of three (3) years. Not more than one (1) member of the Village Board shall at any one time be a member of the Library Board. Citizen members shall be appointed by the Village President, subject to confirmation by the Village Board. The Trustee member shall be appointed annually by the Village President, subject to confirmation by the Village Board. The Village President shall appoint as one of the Library Board members the school district administrator, or his representative, to represent the public school district or districts in which the library is located.
 - (3) A majority of the membership of the Board shall constitute a quorum.
 - (4) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter, within thirty (30) days after the time designated in this Section for the beginning of terms, the members of the Library Board shall organize by election from among their number a President and such other offices that they deem necessary to prescribe and adopt rules and regulations for the operation of the library.
- (b) **Duties and Powers.** The Library Board shall have the duties and powers as prescribed by Chapter 43, and more particularly set forth in Sec. 43.58 of the Wisconsin Statutes.

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

Sec. 2-4-4 General Provisions Regarding Meetings and Public Notice.

- (a) **Regular Meetings; Public Notice.**
- (1) Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
 - a. Schedule a date, time and place for its meetings;
 - b. Post, or when necessary publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
 - c. Post and/or publish an agenda of the matters to be taken up at such meeting.
 - (2) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
 - (3) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session which may be authorized by law, and may be in the following form:

NOTICE OF MEETING
VILLAGE OF BOYCEVILLE, WISCONSIN

(commission)

Please take notice that a meeting of the (commission) of the Village of Boyceville will be held on (date), 19____, at (time) p.m., at the Municipal Building, in Room _____ to consider the following:

1. (Agenda items set forth).
2. Such other matters as authorized by law.

Dated: _____

 (Commission)

By _____

The Boyceville Municipal Building is accessible to the physically disadvantaged. If special accommodations for visually or hearing impaired individuals are needed, please contact the Boyceville Clerk-Treasurer at (telephone).

- (b) **Notice to Members.** Every member of any board, commission or committee of the Village of Boyceville shall be notified by the secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (c) **Special Meetings.** Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.
- (d) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its secretary with the Village Clerk-Treasurer within one (1) week of the meeting date.

Chapter 5

Ethics Code and Employment

2-5-1	Statement of Purpose
2-5-2	Definitions
2-5-3	Statutory Standards of Conduct
2-5-4	Responsibility of Public Office
2-5-5	Dedicated Service
2-5-6	Fair and Equal Treatment
2-5-7	Conflict of Interest
2-5-8	Advisory Opinions
2-5-9	Hiring Relations
2-5-10	Sanctions

Sec. 2-5-1 Statement of Purpose.

- (a) The proper operation of democratic 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 personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established in this Chapter a Code of Ethics for all Village of Boyceville officials and employees, whether elected or appointed, paid or unpaid, including members of boards, committees and commissions of the Village, as well as any individuals who are candidates for elective office as soon as such individuals file nomination papers with the Village.
- (b) The purpose of this Ethics Code is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Village of Boyceville and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Village. The Village Board believes that a Code of Ethics for the guidance of elected and appointed officials and employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the citizens of this Village in their elected and appointed officials and employees. The Village Board hereby reaffirms that each elected and appointed Village official and employee holds his or her position as a

public trust, and any intentional effort to realize substantial personal gain through official conduct is a violation of that trust. The provisions and purpose of this Ethics Code and such rules and regulations as may be established are hereby declared to be in the best interests of the Village of Boyceville.

Sec. 2-5-2 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Public Official.** Those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statutes, and all members appointed to boards, committees and commissions established or appointed by the Village President and/or Village Board pursuant to this Code of Ordinances, whether paid or unpaid.
- (b) **Public Employee.** Any person excluded from the definition of a public official who is employed by the Village.
- (c) **Anything of Value.** Any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation or expense reimbursement paid by the Village, honorariums, fees and expenses under the standards and reporting requirements set forth in Sec. 19.56, Wis. Stats., campaign contributions as regulated by Section 2-5-7(k) of this Chapter, or hospitality extended for a purpose unrelated to Village business by a person other than a firm, corporation, partnership, or joint venture.
- (d) **Business.** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
- (e) **Personal Interest.** Any interest arising from blood or marriage relationships or from close business or political associations, whether or not any financial interest is involved.
- (f) **Significant Interest.** Owning or controlling, directly or indirectly, at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of the outstanding stock of at least ten percent (10%) or Five Thousand Dollars (\$5,000.00) of any business.
- (g) **Financial Interest.** Any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer or employee or to any person employing or retaining the services of the officer or employee.

Sec. 2-5-3 Statutory Standards of Conduct.

There are certain provisions of the Wisconsin Statutes which should, while not set forth herein, be considered an integral part of any Code of Ethics. Accordingly, the provisions of the following sections of the Wisconsin Statutes, as from time to time amended, are made a part of this Code of Ethics and shall apply to public officials and employees whenever applicable, to wit:

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

Sec. 2-5-4 Responsibility of Public Office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and carry out impartially the laws of the nation, state and municipality, to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their prime concern.

Sec. 2-5-5 Dedicated Service.

- (a) Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- (b) Officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.
- (c) Members of the Village staff are expected to follow their appropriate professional code of ethics. Staff members shall file a copy of such professional ethics codes with the Village Clerk-Treasurer. The Village Board shall notify the appropriate professional ethics board of any ethics violations involving Village employees covered by such professional standards.

Sec. 2-5-6 Fair and Equal Treatment.

- (a) **Use of Public Property.** No official or employee shall use or permit the unauthorized use of Village-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as Village policy for the use of such official or employee in the conduct of official business, as authorized by the Village Board or authorized board, commission or committee.
- (b) **Obligations to Citizens.** No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. No official or employee shall use or attempt to use his or her position with the Village to

secure any advantage, preference or gain, over and above his rightful remuneration and benefits, for himself or for a member of his or her immediate family.

- (c) **Political Contributions.** No official shall personally solicit from any Village employee, other than an elected official, a contribution to a political campaign committee for which the person subject to this Chapter is a candidate or treasurer.

Sec. 2-5-7 Conflict of Interest.

(a) Financial and Personal Interest Prohibited.

- (1) No official or employee of the Village, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest contrary to the provisions of this Chapter or which would tend to impair independence of judgment or action in the performance of official duties.
- (2) Any member of the Village Board who has a financial interest or personal interest in any proposed legislation before the Village Board shall disclose on the records of the Village Board the nature and extent of such interest; such official shall not participate in debate or vote for adoption or defeat of such legislation. If the matter before the Village Board involves a member's personal interest with persons involved, the member may participate in debate or discussion and vote on the matter following disclosure, unless an ordinance or contract is involved; if an ordinance or contract is involved, such official shall not participate in debate or discussion and vote on the matter.
- (3) Any non-elected official, other than a Village employee, who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the official has any influence or input or of which the official is a member that is to make a recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest. Such official shall not participate in debate or discussion or vote for adoption or defeat of such legislation.
- (4) Any Village employee who has a financial interest or personal interest in any proposed legislative action of the Village Board or any board, commission or committee upon which the employee has any influence of input, or of which the employee is a member, that is a make to recommendation or decision upon any item which is the subject of the proposed legislative action shall disclose on the records of the Village Board or the appropriate board, commission or committee the nature and extent of such interest.

- (b) **Disclosure of Confidential Information.** No official or employee shall, without proper legal authorization, disclose confidential information concerning the property, government

or affairs of the Village, nor shall such information be used to advance the financial or other private interests of the official or employee or others.

- (c) **Incompatible Employment.** No official or employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair such official or employee's independence of judgment or action in the performance of his or her official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.
- (d) **Gifts and Favors.**
- (1) No official or employee shall accept or offer to accept anything of value from any person who, to his or her knowledge, is interested directly or indirectly, or is seeking an interest, directly or indirectly, in any manner whatsoever in business dealings with the Village, or from any person who conducts activities which are regulated by the Village, or from any person who has interests which may be substantially affected by actions of the Village.
 - (2) No official or employee shall accept or offer to accept anything of value that may tend to influence such official or employee in the discharge of his or her duties, or grant in the discharge of his or her duties any improper favor, service, or thing of value.
 - (3) Gifts received under unusual circumstances should be referred to the Village Board within ten (10) days for recommended disposition.
 - (4) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonably be concluded that such hospitality would not be extended were it not for the fact that the guest, or a member of the guest's immediate family, was a Village official or employee. Participation in celebrations, grand openings, open houses, informational meetings and similar events are excluded from this prohibition. This paragraph further shall not be construed to prevent candidates for elective office from accepting hospitality from citizens for the purpose of supporting the candidate's campaign.
- (e) **Representing Private Interests Before Village Agencies or Courts.**
- (1) Non-elected Village officials and employees shall not appear on behalf of any private person (other than him or herself, his or her spouse or minor children) before any Village agency, board, commission or the Village Board if the official or employee or any board, commission or committee of which the official or employee is a member has any jurisdiction, discretion or control over the matter which is the subject of such representation.
 - (2) Elected Village officials may appear before Village agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations. However, the disclosure requirements of Subsection (a) above shall be applicable to such appearances.

- (f) **Ad Hoc Committee Exceptions.** No violation of the conflict of interest restrictions of this Section shall exist, however, where an individual serves on a special ad hoc committee charged with the narrow responsibility of addressing a specific issue or topic in which that individual, or the employer or a client of that individual, has an interest so long as the individual discloses to the Village Board that such interest exists.
- (g) **Contracts with the Village.** No official or employee who, in his or her capacity as such officer or employee, participates in the making of a contract in which such officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the part of such official or employee, shall enter into any contract with the Village unless:
 - (1) The contract is awarded through a process of public notice and competitive bidding;
 - (2) The contract or activity is exempt from or otherwise deemed appropriate by Sec. 946.13, Wis. Stats.;
 - (3) The Village Board waives this requirement after determining that it is in the best interest of the Village to do so.
- (h) **Disclosure of Interest in Legislation.** To the extent known, any member of the Village Board who has a financial or personal interest in any proposed legislation before the Board shall disclose on the record of the Board the nature of and extent of such interest. Any other official or employee who has a financial or personal interest in any proposed legislative action of the Board and who participates in discussion with or gives official opinions or recommendations to the Board shall disclose on the record of the Board the nature of and extent of such interest.

Sec. 2-5-8 Advisory Opinions.

When an official or employee has doubt as to the applicability of a provision of this Section, such official or employee may apply to the Village Attorney for an advisory opinion. The official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Section before such advisory decision is made. This Section shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined to be more appropriate or desirable.

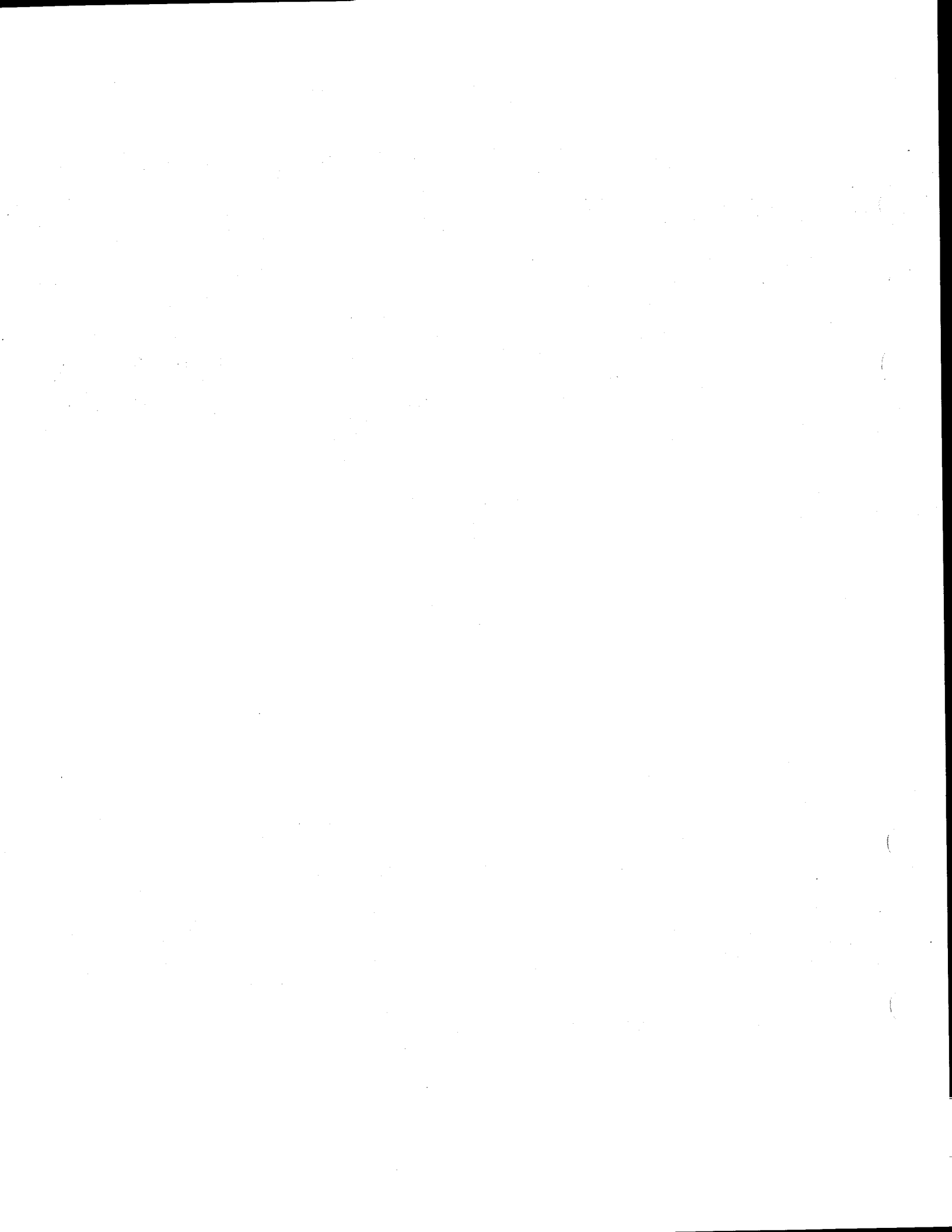
Sec. 2-5-9 Hiring Relatives.

- (a) This Section governs the proposed hiring of individuals for full-time or part-time work as Village employees who are members of the immediate family of Village employees or elected officials. "Immediate family" includes those relatives by blood or marriage defined in Section 2-5-2(e) as personal interests.

- (b) Hiring an immediate family member of any current Village employee or elected Village official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. It is required that either the current employee or the relative seeking employment will make the personal interest relationship known to the hiring authority (department head, Village board or commission or Village Board) before a hiring decision is made.
- (c) This Section does not apply to non-elected officials who are asked to accept appointment as members of a Village board, commission or committee; non-elected officials, however, will be expected to disqualify themselves from participation in matters under consideration which may affect the hiring, retention, classification or compensation of their immediate family if currently employed or being considered for employment by the Village.

Sec. 2-5-10 Sanctions.

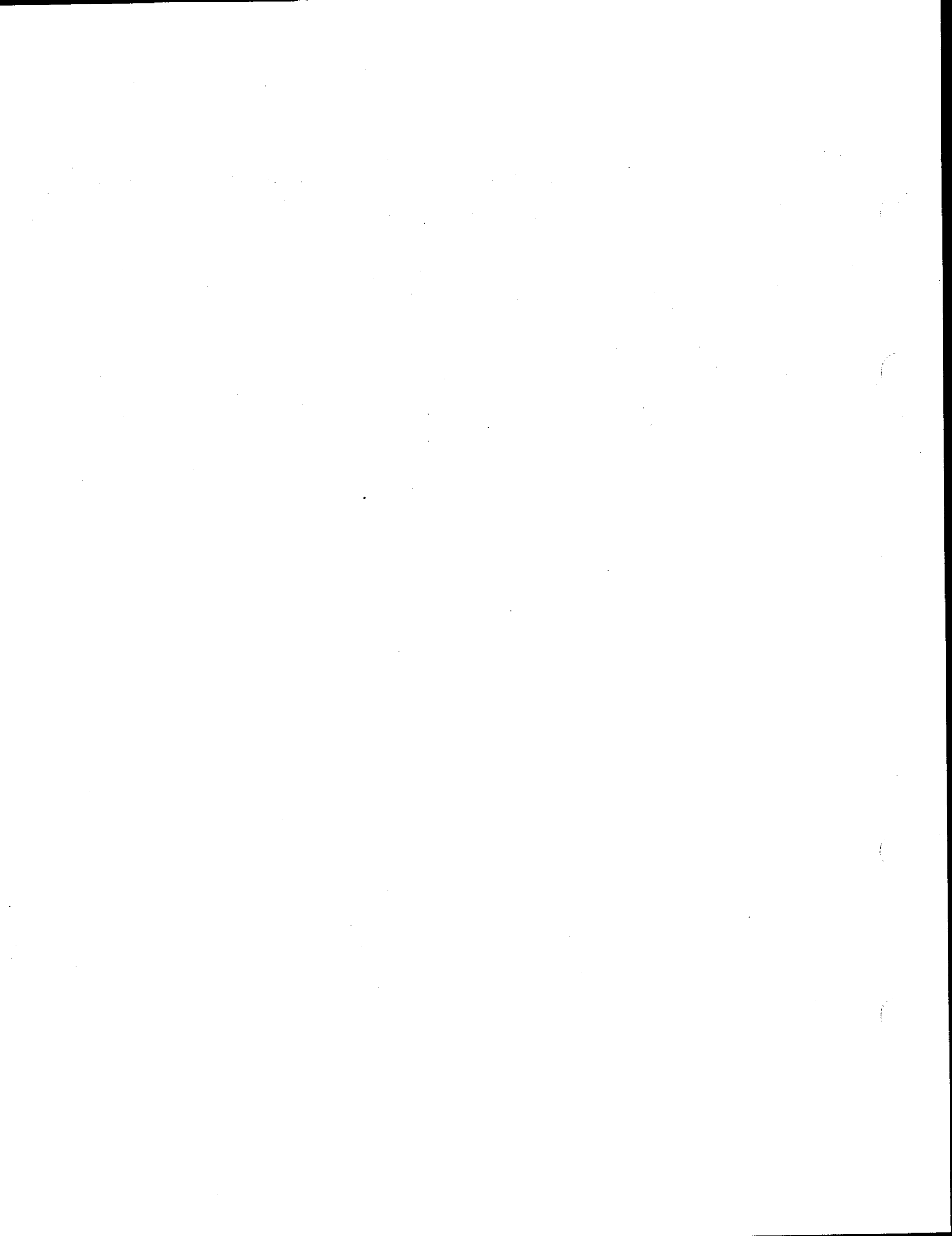
A determination that an employee's actions constitute improper conduct under the provisions of this Chapter shall constitute a cause of suspension, removal from office or employment or other disciplinary action. Sanctions, including any disciplinary action, that may affect employees covered under a labor agreement will be consistent with the terms and conditions set forth in the applicable labor agreement.



TITLE 3

Finance and Public Records

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



Chapter 1

Finance

- 3-1-1** Preparation of Tax Roll and Tax Collections
- 3-1-2** Duplicate Treasurer's Bond Eliminated
- 3-1-3** Village Budget
- 3-1-4** Changes in Budget
- 3-1-5** Village Funds to Be Spent in Accordance with Appropriation
- 3-1-6** Fiscal Year
- 3-1-7** Public Depositories
- 3-1-8** Claims Against Village
- 3-1-9** Temporary Investment of Funds Not Immediately Needed
- 3-1-10** Receiving Money; Receipt for Same
- 3-1-11** Statement of Real Property Status
- 3-1-12** Bidding Procedures
- 3-1-13** Bid Solicitation Procedures
- 3-1-14** Accounts Receivable Billing Procedures
- 3-1-15** Annual Audits
- 3-1-16** Liability of Village for Acts of Agents

Sec. 3-1-1 Preparation of Tax Roll and Tax Collections.

- (a) **Content of Tax Roll.** Pursuant to Sec. 70.65, Wis. Stats., the Clerk-Treasurer shall prepare a tax roll and include the required contents as described in Chapter 70.65, Wis. Stats.
- (b) **Property Tax Collection.** All provisions of Chapter 74, Wis. Stats., in regards to property tax collection are adopted and by reference made a part of this Chapter with the same force and effect as though set out in full.

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

Sec. 3-1-2 Duplicate Treasurer's Bond Eliminated.

- (a) **Bond Eliminated.** The Village of Boyceville elects not to give the bond on the Village Clerk-Treasurer, in his capacity as Treasurer, as provided for by Section 70.67(1), Wis. Stats.

- (b) **Village Liable for Default of Treasurer.** Pursuant to Section 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Village Clerk-Treasurer acting as Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Treasurer to the County Treasurer.

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

Sec. 3-1-3 Village Budget.

- (a) **Departmental Estimates.** When requested by the Village Clerk-Treasurer, each officer, department and committee shall annually file with the Village Clerk-Treasurer an itemized statement of disbursements made to carry out the powers and duties of such officer, department or committee during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department or committee during such year, and of the conditions and management of such fund; also detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the Village Clerk-Treasurer and shall be designated as "Departmental Estimates," and shall be as nearly uniform as possible for the main division of all departments.
- (b) **Consideration of Estimates.** The Village Board's Finance, Planning and Personnel Committee shall consider such departmental estimates in consultation with the department head and develop a budget amount for such department or activity.
- (c) **Form of Proposed Budget.**
- (1) The actual expenditures of each department and activity for the expired portion of the current year, and last preceding fiscal year, and the estimated expense of conducting each department and activity of the Village for the remainder of the current year and ensuing fiscal year, with reasons for any proposed increase or decrease as compared with actual and estimated expenditures for the current year.
 - (2) An itemization of all anticipated income of the Village from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
 - (3) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.
 - (4) All existing indebtedness of the Village, including the amount of interest payable and principal to be redeemed on any outstanding general obligation bonds of the Village and any estimated deficiency in the sinking fund of any such bonds during the ensuing fiscal year.
 - (5) Such other information as may be required by the Board and by State law.

- (d) **Copies of Budget.** The Village Clerk-Treasurer shall provide a reasonable number of copies of the budget summary thus prepared for distribution to citizens. The entire fiscal budget shall be available for public inspection in the Office of the Village Clerk-Treasurer during regular office hours.
- (e) **Report and Hearing.**
- (1) The Village Board shall make a report in November. The report shall include the estimated cost of improvements as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year.
 - (2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for holding the public hearing thereon, shall be published in a newspaper of general circulation in the Village or legally posted at least fifteen (15) days prior to the time of such public hearing.
 - (3) Not less than fifteen (15) days after the publication of the proposed budget and the notice of hearing thereon, the public hearing shall be held at the time and place stipulated, at which time any resident or taxpayer of the Village shall have an opportunity to be heard on the proposed budget. The budget hearing may be adjourned from time to time. Following the public hearing, the proposed appropriation ordinance may be changed or amended and shall take the same course in the Village Board as other ordinances.

Sec. 3-1-4 Changes in Budget.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except upon the recommendation of the Village President and upon a two-thirds (2/3) vote of the entire membership of the Village Board.

Sec. 3-1-5 Village Funds to Be Spent in Accordance with Appropriation.

No money shall be drawn from the treasury of the Village, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by Section 3-1-4 of this Chapter. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to reappropriation; but appropriations may be made by the Board, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 3-1-6 Fiscal Year.

The calendar year shall be the fiscal year.

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

Sec. 3-1-7 Public Depositories.

The Village Board shall designate the public depository or depositories within this State within which Village funds shall be deposited, and when the money is deposited in such depository in the name of the Village, Village officials and bondsman shall not be liable for such losses as are defined by State law. The interest arising therefrom shall be paid into the Village treasury.

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

Sec. 3-1-8 Claims Against Village.

- (a) **Finance Committee to Audit Accounts.** Except as provided in Subsection (c), no account or demand against the Village shall be paid until it has been audited by the Finance Committee, approved by the Village Board, and an order drawn on the Village Clerk-Treasurer therefor. Every such account shall be itemized. Every such account or demand allowed in whole or in part shall be filed by the Clerk-Treasurer, and those of each year shall be consecutively numbered and have endorsed thereon the number of the order issued in payment.
- (b) **Claims to Be Verified.** All accounts, demands or claims against the Village shall be verified by the claimant or proper official.
- (c) **Payment of Regular Wages or Salaries.** Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk-Treasurer in time for payment on the regular pay day.

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

Sec. 3-1-9 Temporary Investment of Funds Not Immediately Needed.

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

State Law Reference: Sections 66.04(2) and 219.05, Wis. Stats.

SEC. 3-1-10 Receiving Money; Receipt for Same.

- (a) The Village Clerk-Treasurer and his/her deputies shall not receive any money into the treasury from any source except on account of taxes levied and collected during the fiscal year for which they may then be serving, without giving a receipt therefor in the manner specified by the Village Board.
- (b) Upon the payment of any money (except for taxes as herein provided), the Village Clerk-Treasurer shall make out a receipt in duplicate for the money so received. The Village Clerk-Treasurer shall charge the amount thereof to the treasury and credit the proper account. The payment of the money to any receiving agent of the Village or to the Village or to the Village Clerk-Treasurer shall be safeguarded in such manner as the Village Board shall direct.

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

SEC. 3-1-11 Statement of Real Property Status.

The Village Clerk-Treasurer and his designees are authorized to prepare a Statement of Real Property Status form to be used to provide information often requested for transfers of real property such as the amount of outstanding special assessments, deferred assessments, changes in assessments, amount of taxes, outstanding water and sewer bills, current water and sewer bills, contemplated improvements, outstanding citations on building code violations and similar information. Any such information sought shall be provided to the person requesting it on said form. Requests for Statements of Real Property Status shall be made to the Village Clerk-Treasurer a minimum of one (1) business day in advance. A fee of Five Dollars (\$5.00) shall be charged for compiling this information and an additional fee of Five Dollars (\$5.00) for facsimile transmissions.

SEC. 3-1-12 Bidding Procedures.

- (a) **Adoption of City Bidding Procedures.** Pursuant to Section 61.56, Wis. Stats., the Village of Boyceville does hereby provide that as a complete alternative to the requirements of Sections 61.54, 61.55, and 66.29 of the Wisconsin Statutes and in lieu thereof, that the provisions of Section 62.15 Wis. Stats., shall be applicable to all Village contracts for public construction over Ten Thousand Dollars (\$10,000.00). The authority vested in the Board of Public Works by Section 62.15 of the Wisconsin Statutes shall be exercised by the Village Board or by a committee designated by the Village Board.
- (b) **Construction by the Village.** Any Class of public construction may be done directly by the Village, or at its option by the County of Dunn, without submitting the same for bids provided that the same is authorized by a vote of three-fourths (3/4) of all members of the Village Board.

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

Sec. 3-1-13 Bid Solicitation Procedures.

(a) Definitions.

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

(b) Bid Solicitation.

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

- (5) The formal bid proposal will contain at least the following information:
 - a. The bid number.
 - b. A detailed description of the goods and services required, including enough information about the items or services required so that more than one (1) vendor can meet the specifications.
 - c. The time, date and place the bids will be opened.
 - d. The address to which the bids shall be mailed or delivered. Instructions to bidders shall include such information as delivery dates, transportation charges, proposal prices, conditions for guaranteeing the proposal, payment terms, right of rejection of proposals, right to reject merchandise, insurance requirements, alternative proposal consideration, tax information, and other appropriate information regarding the awarding and execution of the contract and contract considerations.
 - e. The bid proposal shall also include a section on special provisions including guarantees and service considerations, trade-in considerations, and other information relating to special conditions.
- (6) Specifications for all items purchased shall be developed with the full involvement and participation of the using departments. However, the Village Clerk-Treasurer shall insure that the specifications are sufficiently broad enough that competition in the bidding process is preserved.

Sec. 3-1-14 Accounts Receivable Billing Procedures.

Billings by the Village may be paid within thirty (30) days after billing without interest. Thereafter, interest may be charged at the rate of one and one-half percent (1-1/2%) per month or any fraction thereof, until the following fifteenth (15th) day of November. Bills not paid on or before the fifteenth (15th) day of November shall have added to the total amount due one and one-half percent (1-1/2%) of said charges shall be entered on the tax roll as a special charge, and become a lien upon real estate.

Sec. 3-1-15 Annual Reports.

A firm of certified public accountants shall be employed each year by the Village, subject to the confirmation of the Village Board to conduct a detailed audit of the Village's financial transactions and its books, and to assist the Clerk-Treasurer in the management of the Village's financial affairs, including the Village's public utilities. These auditors shall be employed on a calendar-year basis. The books audited may, in addition to the City financial records of the office of the Clerk-Treasurer, include the Village Clerk-Treasurer's books, the Village's public utilities, Police Department records, and any other books of any boards, commission, officers or employees of the Village handling Village moneys.

Sec. 3-1-16 Liability of the Village for Acts of Agents.

No agent of the Village of Boyceville having authority to employ labor or to purchase materials, supplies or any other commodities, may bind the Village or incur any indebtedness for which the Village may become liable without approval of the Board. Each such employment or purchase order shall be drawn against a specific appropriation, the money for which shall be available in the Village treasury and not subject to any prior labor claims or material purchase orders at the time when such employment is negotiated or purchase order drawn. The Village Clerk-Treasurer shall keep a record of such employment and purchase orders and shall charge them against the proper appropriation.

Chapter 2

Special Assessments

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

Sec. 3-2-1 Village Board May Levy Special Assessments.

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

State Law Reference: Sec. 66.62, Wis. Stats.

Sec. 3-2-2 Resolutions and Report Required.

- (a) Prior to making any such special assessments, the Village Board shall declare by preliminary resolution its intention to exercise such powers for a stated municipal purpose.

Such resolution shall describe generally the contemplated purpose, the limits of the proposed assessment district, the number of installments in which the special assessments may be paid or that the number of installments will be determined at the hearing required under Section 3-2-5 of this Chapter and direct the proper municipal officer or employee to make a report thereon. Such resolution may limit the proportion of the cost to be assessed.

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

Sec. 3-2-3 Costs That May Be Paid by Special Assessment.

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

Sec. 3-2-4 Exemptions; Deductions.

If any property deemed benefitted shall by reason of any provision of law be exempt from assessment therefor, such assessment shall be computed and shall be paid by the Village.

Sec. 3-2-5 Notice of Proposed or Approved Project.

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

Sec. 3-2-6 Board Actions After Hearing.

- (a) After the hearing, the Village Board may approve, disapprove, modify or re-refer the report to the designated officer or employee with such directions as it deems necessary to change the plans and specifications so as to accomplish a fair and equitable assessment.
- (b) If an assessment be made against any property and an award of compensation or damage be made in favor of the property, the Village Board shall assess only the difference between such assessment of benefits and the award of compensation or damage.
- (c)
 - (1) If the work or improvement has not been previously authorized or approved, the Village Board shall approve the work or improvement and by resolution direct that the same be done and paid for in accordance with the report finally approved.
 - (2) If the work or improvement has been approved by the Village Board or work commenced or completed prior to the filing of the report or prior to the hearing, then the Village Board shall by resolution confirm the report as made or modified and provide for payment in whole or in part by assessment.
- (d) The Village Clerk-Treasurer shall publish the final resolutions as required in Section 3-2-5 of this Chapter.
- (e) After the publication of the final resolution, any work or improvement provided for and not yet authorized, shall be deemed fully authorized and all awards of compensation or damage and all assessments made shall be deemed duly and properly made, subject to the right of appeal by Section 66.60(12), Wis. Stats., or any other applicable provision of law.

Sec. 3-2-7 Board's Power to Amend, Cancel or Confirm Special Assessment.

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to vary materially from the original estimate, or the assessment is void or invalid for any

reason, or if the Village Board determines to reconsider an assessment, it is empowered, after giving notice as required in Section 3-2-5 to amend, cancel or confirm any prior assessment and notice of this amending, canceling or confirming be given by the Village Clerk-Treasurer as provided in Section 3-2-6 of this Chapter.

Sec. 3-2-8 Where Cost of Improvement is Less Than Assessment.

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

Sec. 3-2-9 Appealed Assessments Payable When Due.

Pursuant to Subsection (12)(f) of Sec. 66.60, Wis. Stats., it shall be a condition to the maintenance of any appeal that any assessment appealed shall be paid when due and payable and upon default in payment any such appeal shall be dismissed.

Sec. 3-2-10 Special Assessment a Lien on Property.

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

Sec. 3-2-11 Special Charges Permissible.

- (a) In addition to all other methods provided by law, special charges for current services may be imposed by the Village Board by allocating all or part of the cost of the property served. Such may include snow and ice removal, weed elimination, street sprinkling, oiling or tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, sewer service and tree care or removal. The provision for notice of such charges shall be optional with the Village Board except that in the case of street, sidewalk, curb or gutter repair, twenty (20) days notice published in the Village newspaper, or by posting such notice in three (3) places in the Village and a copy of such notice mailed to every interested person whose

post office address is known at least ten (10) days before the hearing or proceeding. Such notice shall specify that on a certain date a hearing will be held by the Village Board as to whether the service in question shall be performed. Amounts less than One Hundred Dollars (\$100.00) shall be paid in one (1) installment.

- (b) Such special charges shall not be payable in installments. If not paid within the period fixed by the Village Board, such delinquent charge shall become a lien as provided in Section 3-2-11 of this Chapter.
- (c) Section 3-2-2(a) of this Chapter shall not be applicable to proceedings under this Section.

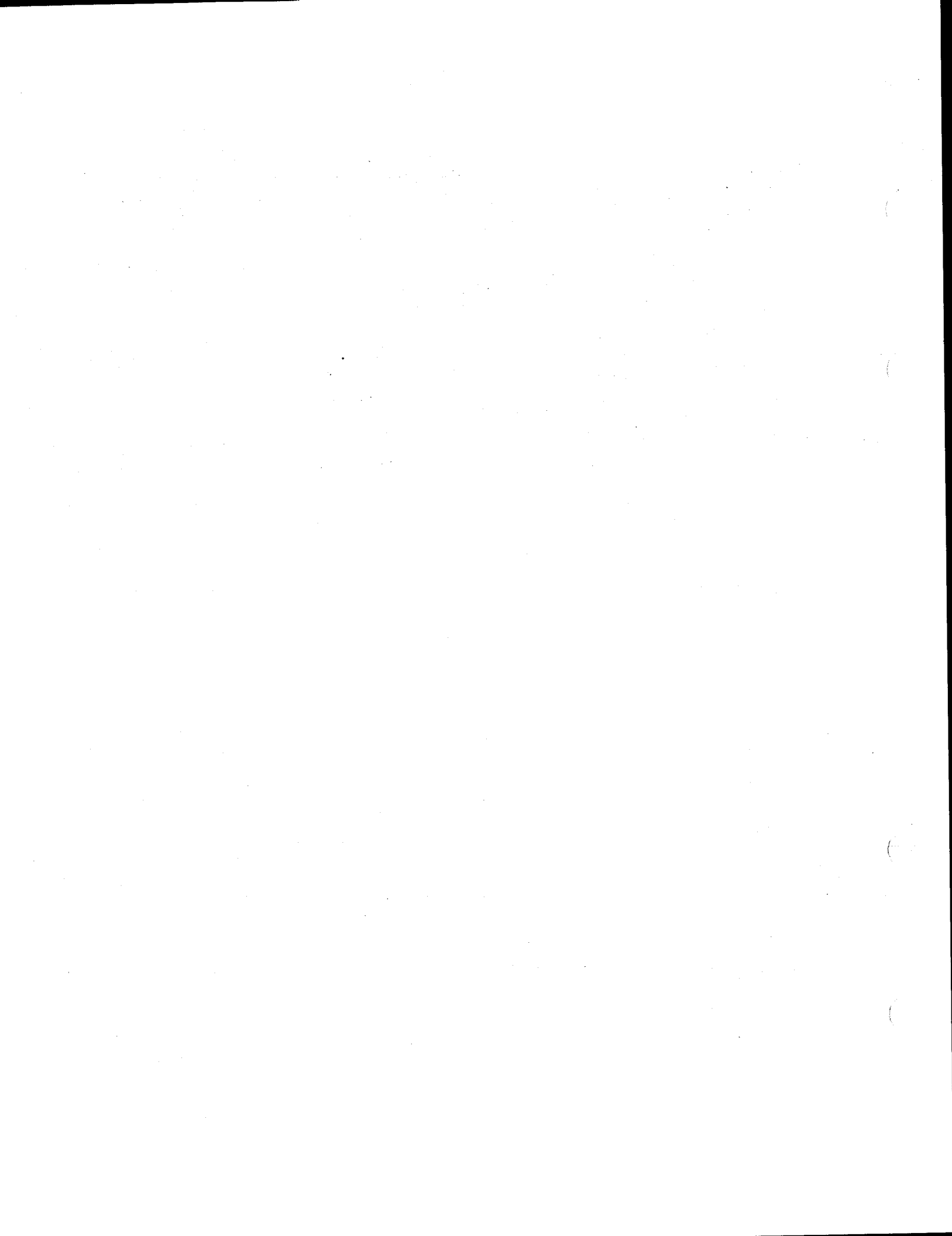
State Law Reference: Sec. 66.60(16), Wis. Stats.

Sec. 3-2-12 Miscellaneous Provisions.

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

Sec. 3-2-13 Special Assessment B Bonds.

As an alternative to any other financing method, the Village Board may provide for the payment of the initial cost of any public improvement from the proceeds of special assessment "B" bonds issued under Sections 66.54(10) and (11), Wis. Stats. Special assessments to retire such bonds and pay the interest thereon shall be levied under Section 66.60, Wis. Stats., payable in such installments at a rate to be determined by the Board based upon borrowed money rates at the time of the special assessment.



Chapter 3

Public Records

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

Sec. 3-3-1 Definitions.

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

- (e) **Actual Cost.** The total cost of personnel including wages, fringe benefits and all other benefits and overhead related to the time spent in search of records.

Sec. 3-3-2 Duty to Maintain Records.

- (a) Except as provided under Section 3-3-7, each officer and employee of the Village shall safely keep and preserve all records received from his or her predecessor or other persons and required by law to be filed, deposited or kept in his or her office or which are in the lawful possession or control of the officer or employee or his or her deputies, or to the possession or control of which he or she or they may be lawfully entitled as such officers or employees.
- (b) Upon the expiration of an officer's term of office or an employee's term of employment, or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to his or her successor all records then in his or her custody and the successor shall receipt therefor to the officer or employee, who shall file said receipt with the Village Clerk-Treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the Village Clerk-Treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

Sec. 3-3-3 Legal Custodian(s).

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

Primary Authority

General Village Records
(including Board Records)

Secondary Authority

Fire Department

Ambulance Service

Police Department

Designated Legal Custodian

Village Clerk-Treasurer

Legal Custodian Who May Have Some Records

Fire Chief

Ambulance Director

Chief of Police

- (c) For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.
- (d) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Village Clerk-Treasurer.
- (e) The Village Clerk-Treasurer shall establish criteria for establishing the records system and shall cause the department/office records system to be reviewed on an annual basis.

Sec. 3-3-4 Public Access to Records.

- (a) Except as provided in Section 3-3-6 any person has a right to inspect a record and to make or receive a copy of any record of provided in Sec. 19.35(1), Wis. Stats.
- (b) Records will be available for inspection and copying during all regular office hours.
- (c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least forty-eight (48) hours' advance notice of intent to inspect or copy.
- (d) A requester shall be permitted to use facilities comparable to those available to Village employees to inspect, copy or abstract a record.
- (e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) A requester shall be charged a fee of twenty-five cents (25¢) to defray the cost of copying records.
 - (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 - (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio- and video-tapes, shall be charged.
 - (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
 - (4) There shall be no charge for locating a record unless the actual cost therefor exceeds Fifty Dollars (\$50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
 - (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds Five Dollars (\$5.00).
 - (6) Elected and appointed officials of the Village shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - (7) The legal custodian may provide copies of a record without charge or at a reduced charge where he or she determines that waiver or reduction of the fee is in the public interest.

- (g) Pursuant to Sec. 19.34, Wis. Stats., and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This Subsection does not apply to members of the Village Board.

Sec. 3-3-5 Access Procedures.

- (a) A request to inspect or copy a record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Sec. 19.37, Wis. Stats. Except as provided below, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail, unless prepayment of a fee is required under Section 3-3-4(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.
- (b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Village Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (c) A request for a record may be denied as provided in Section 3-3-6. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that, if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Sec. 19.37(1), Wis. Stats., or upon application to the attorney general or a district attorney.

Sec. 3-3-6 Limitations on Right to Access.

- (a) As provided in Sec. 19.36, Wis. Stats., the following records are exempt from inspection under this Chapter.

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

- (7) Pursuant to Sec. 19.85(1)(g), Wis. Stats., communications between legal counsel for the Village and any officer, agent or employee of the Village, when advice is being rendered concerning strategy with respect to current litigation in which the Village or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Sec. 905.03, Wis. Stats.
- (8) Pursuant to Sec. 19.85(1)(h), Wis. Stats., requests for confidential written advice from an ethics board, and records of advice given by such ethics board on such requests.
- (d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the Village Attorney prior to releasing any such record and shall follow the guidance of the Village Attorney when separating out the exempt material. If, in the judgment of the custodian and the Village Attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

Sec. 3-3-7 Destruction of Records.

- (a) Village officers may destroy the following nonutility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Department of Revenue or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven (7) years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such shorter period:
 - (1) Bank statements, deposit books, slips and stubs.
 - (2) Bonds and coupons after maturity.
 - (3) Canceled checks, duplicates and check stubs.
 - (4) License and permit applications, stubs and duplicates.
 - (5) Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
 - (6) Receipt forms.
 - (7) Special assessment records.
 - (8) Vouchers, requisitions, purchase orders and all other supporting documents pertaining thereto.
- (b) Village officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the bureau of municipal audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, subject to State Public Service Commission regulations, but not less than seven (7)

years after the record was effective unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period, except that water stubs, receipts of current billings and customers' ledgers may be destroyed not less than two (2) years after payment or receipt of the sum involved or the effective date of said record.

- (1) Contracts and papers relating thereto.
 - (2) Excavation permits.
 - (3) Inspection records.
- (c) Village officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven (7) years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the State Public Records Board pursuant to Sec. 16.61(3)(e), Wis. Stats., and then after such a shorter period.
- (1) Contracts and papers relating thereto.
 - (2) Correspondence and communications.
 - (3) Financial reports other than annual financial reports.
 - (4) Justice dockets.
 - (5) Oaths of office.
 - (6) Reports of boards, commissions, committees and officials duplicated in the Village Board proceedings.
 - (7) Election notices and proofs of publication.
 - (8) Canceled voter registration cards.
 - (9) Official bonds.
 - (10) Police records other than investigative records.
 - (11) Resolutions and petitions, providing the text of the same appears in the official Village minutes.
- (d) Notwithstanding the above provisions appearing in this Section, it is intended hereby that election materials may be destroyed according to lesser time schedules as made and provided in Sec. 7.23, Wis. Stats.
- (e) Unless notice is waived by the State Historical Society, at least sixty (60) days' notice shall be given the State Historical Society prior to the destruction of any record as provided by Sec. 19.21(4)(a), Wis. Stats.
- (f) Any tape recordings of a governmental meeting of the Village may be destroyed, erased or reused no sooner than ninety (90) days after the minutes of the meeting have been approved and posted/published, if the purpose of the recording was to make minutes of the meeting.

Sec. 3-3-8 Preservation through Microfilm.

Any Village officer or the director of any department or division of Village government may, subject to the approval of the Village Clerk-Treasurer, keep and preserve public records in his

or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Sec. 16.61(7)(a) and (b), Wis. Stats., and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and of Sections 3-3-4 through 3-3-6 of this Chapter.

Chapter 4

Disposal of Lost, Abandoned and Surplus Property

- 3-4-1 Disposal of Surplus Village Property
- 3-4-2 Lost and Abandoned Property

Sec. 3-4-1 Disposal of Surplus Village Property.

(a) **Definitions.**

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

(b) **Determination of Surplus Village Property.**

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

(c) **Disposition of Surplus Village Property.**

- (1) Whenever the Village Board determines that an item of property is surplus Village property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than Five Hundred Dollars (\$500.00) and the Village Board has determined, pursuant to the previous Subsection, that the item is surplus Village property, the department head responsible for the items shall dispose of the property by:
 - a. Donation to a nonprofit organization within the Village or to a governmental agency; or
 - b. Public auction; or
 - c. Sale by sealed bid; or
 - d. Negotiated sale.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in "as-is" condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Village Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed within that time, the item shall revert to the city and the amount of the bid shall be forfeited to the Village. In the event no bids are received, the item shall be disposed of as directed by the Village Board.
- (4) No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published in the official Village newspaper or otherwise published or posted.
- (5) Whenever the fair market value of an item is Five Hundred Dollars (\$500.00) or less and the Village Board has determined, pursuant to the previous Section, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.

(d) **Determination of Fair Market Values.** Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.

(e) **Authority to Dispose of Property.**

- (1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.
- (2) Whenever this Section provides for an auction or other disposition of any property, the Village Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for Village labor and the use of Village property, do not exceed the payment received by the Village from the auction or sale of the property.

Sec. 3-4-2 Lost and Abandoned Property.**(a) Village Custody of Lost or Abandoned Property.**

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

(b) Disposal Procedures.

- (1) **Classes of Property.** All property which has been abandoned, lost or remained unclaimed for a period of thirty (30) days after the taking of possession of the same by the Village shall be disposed of as follows, except that if the property is usable for Village operations, the property need not be sold at auction, but may become the property of the Village.
 - a. **Vehicles.** Vehicles shall be disposed of as set forth in the applicable provisions of Title 10, Chapter 5, of this Code of Ordinances.
 - b. **Intoxicating Liquor and Fermented Malt Beverages.** Intoxicating liquor and fermented malt beverages shall be destroyed.
 - c. **Firearms, Ammunition and Explosives.** Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable, or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.
 - d. **Other Property with a Fair Market Value of One Hundred Dollars (\$100.00) or Less.** An item of property with a fair market value of One Hundred Dollars (\$100.00) or less shall be destroyed or sold at public auction. Perishable property

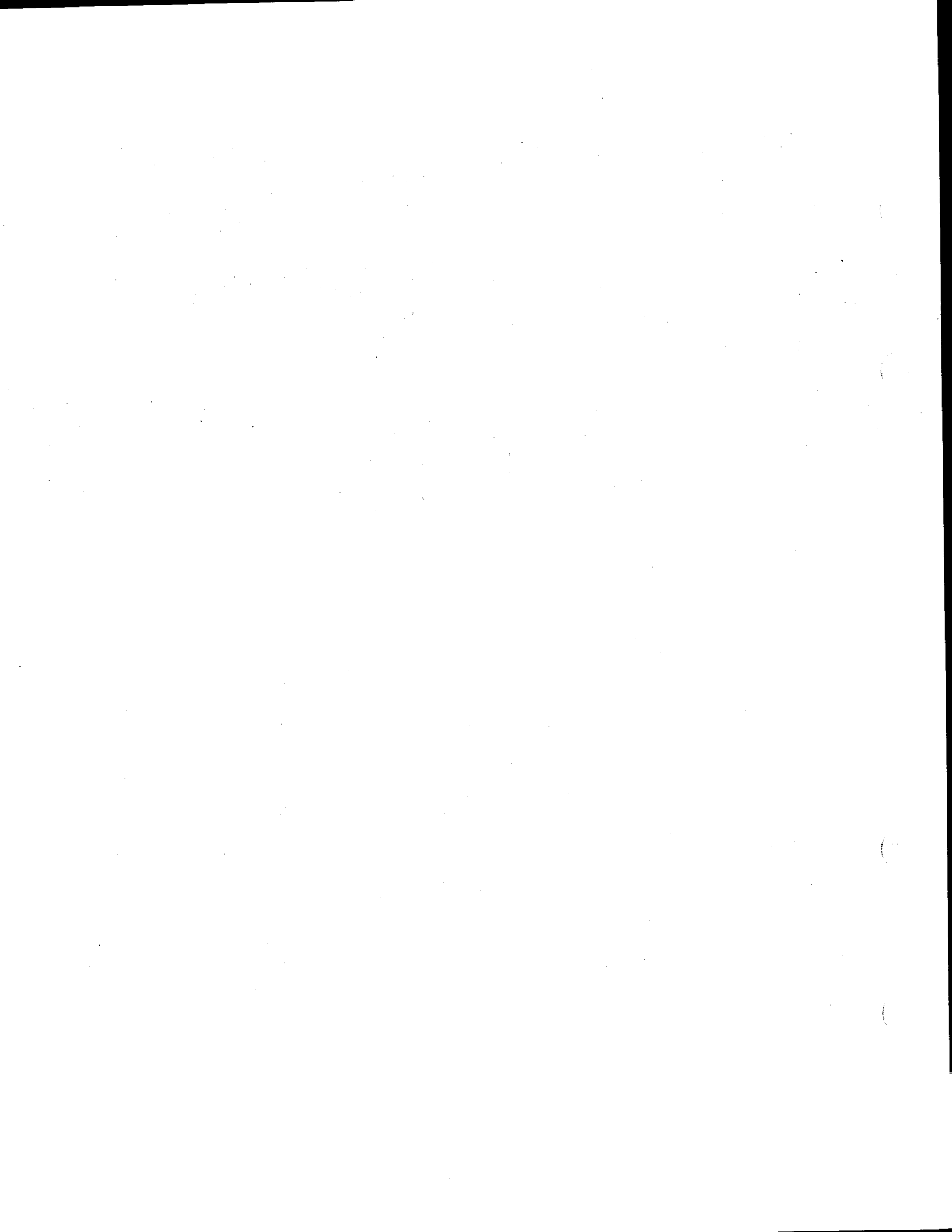
- which deteriorates to a fair market value of less than One Hundred Dollars (\$100.00) shall be destroyed.
- e. **Other Property with a Fair Market Value of Over One Hundred Dollars (\$100.00).** An item of property with a fair market value of more than One Hundred Dollars (\$100.00) shall be sold at public auction or by sealed bid.
 - f. **Illegal property.** Property which cannot be legally possessed shall be destroyed.
- (2) **Disposal by Auction or Sealed Bid.**
- a. Whenever any property under this Section is sold by public auction or sale or by sealed bid, such auction or the awarding of bids shall be preceded by a Class 2 notice describing the property and arranging the time and place for the auction or bid submission; such notice shall be published in the official Village newspaper. The property auctioned or sold by sealed bid shall be sold in as-is condition to the highest bidder. No sale or auction shall occur until the Chief of Police has determined that the property has no value to any probable investigation or legal proceeding. The department head responsible for the property shall determine the time in which the successful bidder shall remove the property. In the event the property is not removed within that time, the property shall revert to the Village and the amount of the bid be forfeited to the Village.
 - b. Any Village official selling property under this Section shall maintain for two (2) years an inventory of any property not disposed of by auction or sale by sealed bid and shall include a record of the date and method of disposal, any payment received for the property, and the name and address of the person acquiring the property.
- (3) **Lost Property.** Property which is found by persons and delivered to the Chief of Police for the purpose of locating the former owner shall not be considered abandoned or unclaimed under this Section until thirty (30) days after mailing to the person finding the property a notice that he may claim ownership of said property. The Chief of Police shall determine what portion, if any, of the property or its value shall be given the finder. This provision shall not apply to any Village employee finding property in the regular course of his employment.
- (4) **Payment to Village Treasury.** All sums received from the sale of property under this Section shall be paid to the Village Treasury.

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

TITLE 4

Administrative Review Procedures

Chapter 1 Review of Administrative Determinations



Chapter 1

Review of Administrative Determinations

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

Sec. 4-1-1 Review of Administrative Determinations.

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

State Law Reference: Sec. 68.01, Wis. Stats.

Sec. 4-1-2 Determinations Reviewable.

The following determinations are reviewable under this Chapter:

- (a) The grant or denial in whole or in part after application of an initial permit, license, right, privilege or authority, except a fermented malt beverage or intoxicating liquor license.
- (b) The suspension, revocation or nonrenewal of an existing permit, license right, privilege or authority, except as provided in Section 4-1-3(d).

- (c) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.
- (d) The imposition of a penalty or sanction upon any person except a municipal employee or officer, other than by a court.
- (e) The suspension or removal of a Village officer or employee except as provided in Section 4-1-3(b) and (g).

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

Sec. 4-1-3 Determinations Not Subject to Review.

The following determinations are not reviewable under this Chapter:

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

State Law Reference: Sec. 68.03, Wis. Stats.

Sec. 4-1-4 Municipal Authority Defined.

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

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

Sec. 4-1-5 Persons Aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization; officer, department, board, commission or agency of the Village, whose

rights, duties or privileges are adversely affected by a determination of a municipal authority. No department, board, commission, agency, officer or employee of the Village who is aggrieved may initiate review under this Chapter of a determination of any other department, board, commission, agency, officer or employee of the Village, but may respond or intervene in a review proceeding under this Chapter initiated by another.

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

Sec. 4-1-6 Reducing Determination to Writing.

If a determination subject to this Chapter is made orally or, if in writing, does not state the reasons therefore, the municipal authority making such determination shall, upon written request of any person aggrieved by such determination made within ten (10) days of notice of such determination, reduce the determination and the reasons therefore to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his/her right to have such determination reviewed, that such review may be obtained within thirty (30) days, and the officer or person to whom a request for review shall be addressed.

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

Sec. 4-1-7 Request for Review of Determination.

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

State Law Reference: Sec. 68.08, Wis. Stats.

Sec. 4-1-8 Review of Determination.

- (a) **Initial Determination.** If a request for review is made under Section 4-1-7, the determination to be reviewed shall be termed an initial determination.

- (b) **Who Shall Make Review.** A review under this section may be made by the officer, employee, agent, agency, committee, board, commission or body who made the initial determination. However, an independent review of such determination by another person, committee or agency of the Village, appointed by the Village President without confirmation, shall be provided if practicable.
- (c) **When to Make Review.** The municipal authority shall review the initial determination within fifteen (15) days of receipt of a request for review. The time for review may be extended by agreement with the person allegedly aggrieved.
- (d) **Right to Present Evidence and Argument.** The person aggrieved may file with his/her request for review, or within the time agreed with the municipal authority, written evidence and argument in support of his position with respect to the initial determination.
- (e) **Decisions on Review.** The municipal authority may affirm, reverse or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the municipal authority's decision on review which shall state the reasons for such decision. The decision shall advise the person aggrieved of his/her right to appeal the decision, that appeal may be taken within thirty (30) days, and the office or person with whom notice of appeal shall be filed.

State Law Reference: Sec. 68.09, Wis. Stats.

Sec. 4-1-9 Administrative Appeal.

- (a) **From Initial Determination or Decision on Review.**
 - (1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He/she may, however, seek judicial review under Section 4-1-12.
 - (2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he/she shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.
- (b) **Time With Which Appeal May Be Taken.** Appeal from a decision on review under Section 4-1-8 may be taken within thirty (30) days of notice of such decision.
- (c) **How Appeal May Be Taken.** An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

State Law Reference: Sec. 68.10, Wis. Stats.

Sec. 4-1-10 Hearing of Administrative Appeal.

- (a) **Time of Hearing.** The Village shall provide the appellant a hearing on an appeal under Section 4-1-9 within fifteen (15) days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least 10 days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the Village Attorney, who shall forthwith advise the Village President of such appeal.
- (b) **Conduct of Hearing.** At the hearing the appellant and the municipal authority may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Village President shall appoint, without confirmation, an impartial decision maker who may be an officer, committee, board or commission of the village or the Village Board who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board or commission designated by the Village President to conduct the hearing and report to the decision maker.
- (c) **Record of Hearing.** The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant, shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village.
- (d) **Hearing on Initial Determination.** Where substantial existing rights are affected by an initial determination, the municipal authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this Section before making such determination.

State Law Reference: Sec. 68.11, Wis. Stats.

Sec. 4-1-11 Final Determination.

- (a) Within twenty (20) days of completion of the hearing conducted under Section 4-1-10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.
- (b) A determination following a hearing substantially meeting the requirements of Section 4-1-10 or a decision on review under Section 4-1-8 following such hearing shall be a final determination, judicial review of which may be obtained under Section 4-1-12.

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

Sec. 4-1-12 Judicial Review.

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

State Law Reference: Sec. 68.13, Wis. Stats.

Sec. 4-1-1-13 Legislative Review.

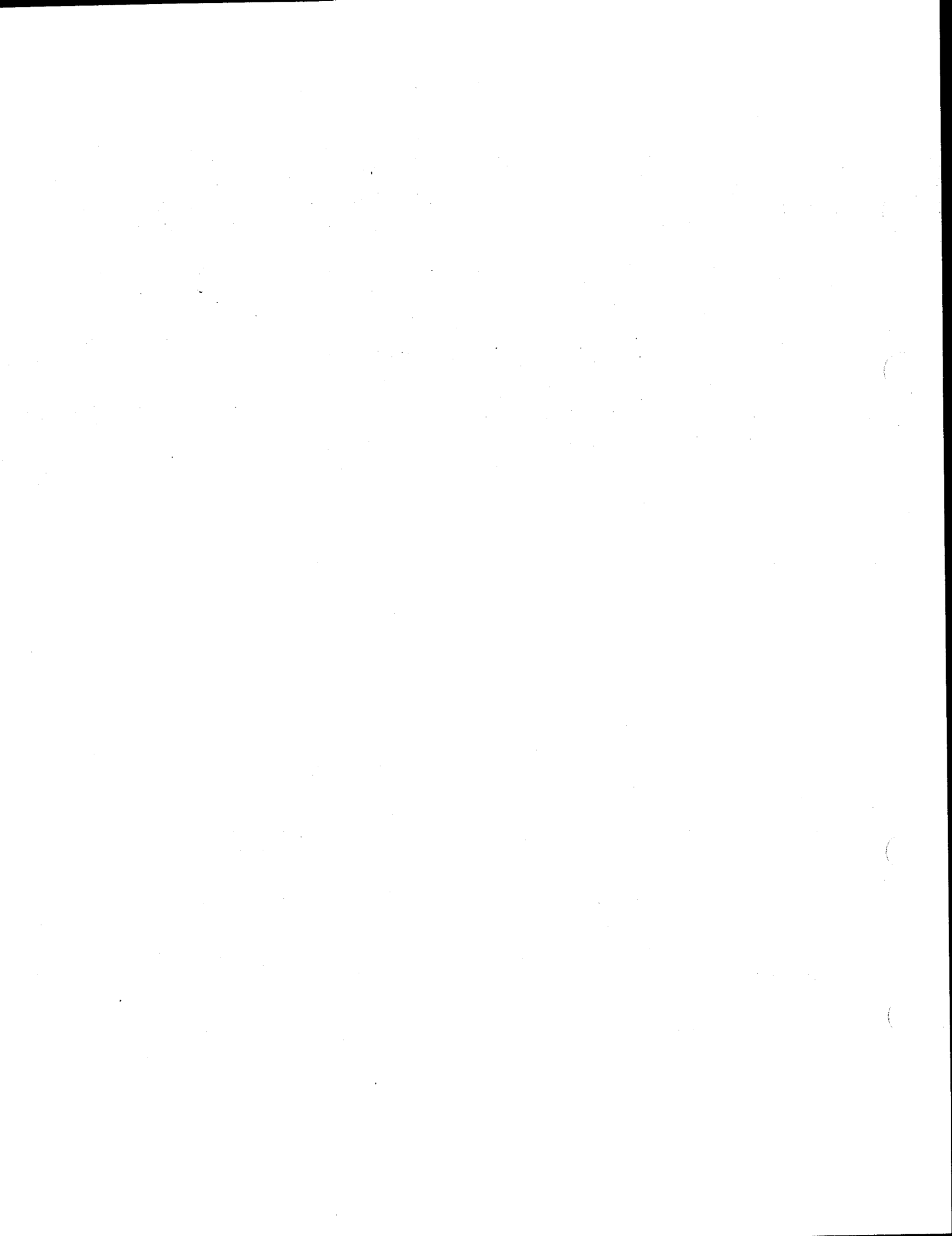
- (a) Seeking review pursuant to this Chapter does not preclude a person aggrieved from seeking relief from the Village Board or any of its boards, commissions, committees or agencies which may have jurisdiction.
- (b) If in the course of legislative review under this Section a determination is modified, such modification and any evidence adduced before the Village Board, board, commissions, committee or agency shall be made part of the record on review under Section 4-1-12.
- (c) The Village Board, board, commission, committee or agency conducting a legislative review under this Section need not conduct the type of hearing required under Section 4-1-10.

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

TITLE 5

Public Safety

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



Chapter 1

Law Enforcement

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

Sec. 5-1-1 Organization of Police Department.

The Village of Boyceville Police Department shall consist of a Chief of Police and such other officers, assistants and patrol officers as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

Sec. 5-1-2 Records and Reports.

- (a) **Monthly Reports.** The Chief of Police shall give a monthly general report to the Village Board of all activities of the Department during the preceding month.
- (b) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

Sec. 5-1-3 General Powers of Police Officers.

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.

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

Sec. 5-1-4 Responsibilities of Chief of Police.

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He/she shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
 - (5) Administer the assignment of, hours of duty of all members of the Department.
 - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He/she shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He/she shall be required to certify to the correctness of all bills incurred by the Department.
 - (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He/she

shall cooperate and exchange information with other Village departments in matters relating to their various functions.

- (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He/she shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

Sec. 5-1-5 Rules and Polices for the Police Department.

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

Sec. 5-1-6 Maintenance of Personnel Records and Performance Evaluations.

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

Sec. 5-1-7 Police Chief's Responsibility for Training.

The Chief of Police is responsible for the training of all members of the Department. The shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and

responsibilities. The Chief of Police will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. The Chief of Police shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

Sec. 5-1-8 Civilians to Assist.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1-1-6 of this Code of Ordinances.

Sec. 5-1-9 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

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

Chapter 2

Fire Protection

- 5-2-1 Fire Department Organization; Goals of the Department
- 5-2-2 Impeding Fire Equipment Prohibited
- 5-2-3 Police Power of the Department; Investigation of Fires
- 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5 Firefighters May Enter Adjacent Property
- 5-2-6 Duty of Bystanders to Assist
- 5-2-7 Vehicles to Yield Right-of-Way
- 5-2-8 Interference with Use of Hydrants Prohibited
- 5-2-9 Open Burning

Sec. 5-2-1 Fire Department Organization; Goals of the Department.

- (a) **Fire Department Recognized.** The Boyceville Fire Department is officially recognized as the Fire Department serving the Village of Boyceville, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Boyceville Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Boyceville.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.

- (d) **Organization.** The Boyceville Fire Department shall be organized and governed pursuant to its bylaws and the regulations of the Fire District.

Sec. 5-2-2 Impeding Fire Equipment Prohibited.

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

Sec. 5-2-3 Police Power of the Department; Investigation of Fires.

(a) **Police Authority at Fires.**

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire

(b) **Fire Inspection Duties.**

- (1) The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Boyceville and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Boyceville at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists

which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

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

Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

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

Sec. 5-2-5 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of

extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-6 Duty of Bystanders to Assist.

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

Sec. 5-2-7 Vehicles to Yield Right-of-Way.

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

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

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

Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Boyceville excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Exceptions.**
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;

- (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Village Board may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Village Board may be permitted.
 - (4) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
 - (5) Open burning when a permit is issued.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Village Board or from such other person as may be authorized or designated by the Village Board to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Village Board. The Village Board may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
 - a. Hours when burning is allowed;
 - b. Day(s) when burning is allowed;
 - c. Material which may or may not be burned;
 - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - e. The length of time the permit is valid;
 - f. What constitutes an approved burning device or incinerator;
 - g. The size of the material pile burned by open burning;
 - h. The distance or distances to be maintained between the material being burned and other flammable material;
 - i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
 - j. The manner in which ashes created by the burning under the permit are to be disposed of.
 - (2) **Issuance Of Permit.** If the Village Board, or other person authorized or designated by the Village Board to issue such permits, finds that the proposed burning complies with all Village ordinances, it shall approve the application, and a burning permit shall be subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Village Board. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:

- (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
- (2) The burning of leaves and grass is prohibited; no permit shall be issued for the burning of leaves and grass.
- (3) The size of the pile of material to be burned shall not exceed six (6) feet in any direction measured horizontally, or four (4) feet measured vertically.
- (4) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
- (5) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
- (6) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (7) No materials may be burned upon any street, curb, gutter, or sidewalk.
- (8) Permits shall not be issued for burning barrels.

State Law Reference: Chapter ILHR 14, Wis. Adm. Code.

Chapter 3

Fire Prevention Code; Hazardous Materials

- 5-3-1** Adoption of State Codes
- 5-3-2** Disclosure of Hazardous Materials and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-3** Recovery of Costs of Extinguishing and Cleaning Up Fires
Involving Hazardous Materials
- 5-3-4** Tank Inspection and Removal Fees

Sec. 5-3-1 Adoption of State Codes.

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

- (a) Wis. Adm. Code Ch. ILHR 1; Safety.
- (b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- (e) Wis. Adm. Code Ch. ILHR 9; Liquified and Petroleum Gases.
- (f) Wis. Adm. Code Ch. ILHR 14; Fire Protection.
- (g) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- (h) Wis. Adm. Code Ch. ILHR 21; Spray Coating.
- (i) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
- (j) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
- (k) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
- (l) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
- (m) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- (n) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- (o) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (p) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
- (q) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- (r) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
- (s) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.

5-3-1

- (t) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
- (u) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- (v) Wis. Adm. Code Ch. ILHR 61; CBRF.
- (w) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- (x) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (y) Wisconsin Electrical Code.

Sec. 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

(a) Application.

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

(b) Definitions.

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

(c) Information Required.

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;

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

Sec. 5-3-3 Recovery of Costs.

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

Sec. 5-3-4 Tank Inspection and Removal Fees.

Pursuant to ILHR 2.43, Wis. Adm. Code, the Village authorizes inspection fees for flammable liquids storage tanks as follows, along with closure inspection fees as set by the inspector:

- (a) Plan examination and inspection fees according to Table 2.43, part of the above-referenced Wisconsin Administrative Code provision.
- (b) Tank removal fees as follows:
 - (1) Up to one thousand one hundred (1,100) gallons — Thirty-five Dollars (\$35.00) per tank.
 - (2) One thousand one hundred (1,100) gallons — four thousand (4,000) gallons — Fifty Dollars (\$50.00) per tank.
 - (3) Four thousand and one (4,001) gallons and over — Sixty-five Dollars (\$65.00) per tank.

Chapter 4

Regulation of Private Alarm Systems

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

Sec. 5-4-1 Title.

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

Sec. 5-4-2 Declaration of Purpose.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

Sec. 5-4-3 Definitions.

Within this Chapter, the following terms, phrases and words and their derivations have the meaning given herein.

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

Sec. 5-4-5 Automatic Dialing Devices.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

Sec. 5-4-6 Direct Connections to the Police Department.

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

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

Sec. 5-4-8 Notification.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

Sec. 5-4-9 Fee for Answering Alarms.

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Village a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:
 - (1) Responded to by Police Department:
 - a. First two (2) false alarms for a location No Charge
 - b. Third (3rd) false alarm per location \$ 25.00
 - c. Fourth (4th) false alarm per location \$ 35.00
 - d. Fifth (5th) false alarm per location \$ 45.00
 - e. Sixth (6th) and subsequent false alarm per location \$ 65.00
 - (2) All false alarms responded to by Fire Department firefighting personnel and apparatus:
 - a. First two (2) false alarms for a location No Charge
 - b. Third (3rd) and subsequent false alarm per location. \$ 100.00

This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 5-4-10 Village Liability.

The Village of Boyceville shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

Sec. 5-4-11 Permits for Private Alarm Systems.

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the Village. There shall be a Ten Dollars (\$10.00) permit fee.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.

- (c) **Issuing Authority.** The Police Chief shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Police Chief. The Police Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Police Chief shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Police Chief shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 5-4-12.

Sec. 5-4-12 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Police Chief. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) **Grounds for Revocation.** The Police Chief may revoke a permit on the following grounds:
 - (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Police Chief by filing a written notice of appeal with the Police Chief within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Village Board gives its decision. The Police Chief shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

Chapter 5

Emergency Government

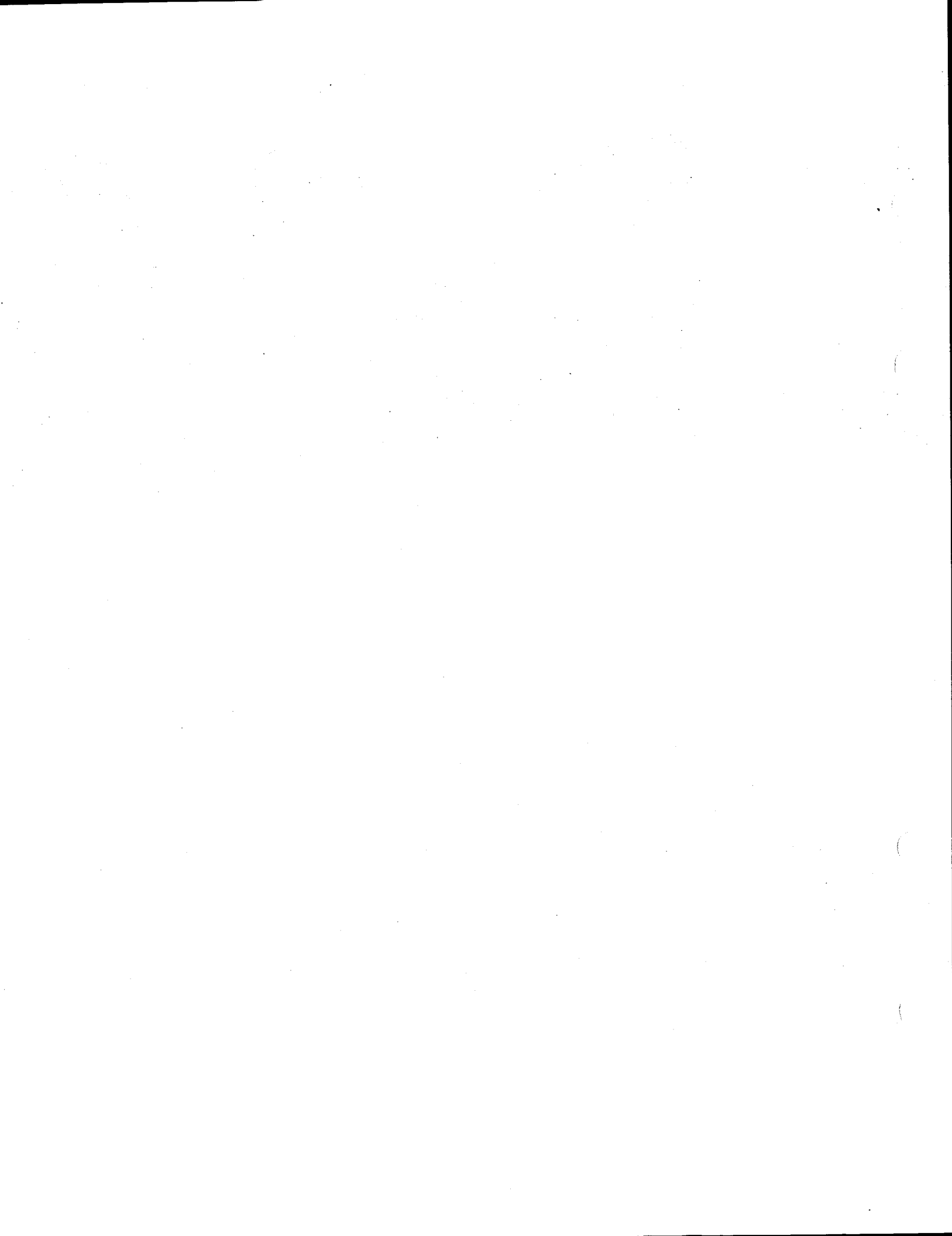
- 5-5-1 Joint Action Ordinance
- 5-5-2 County-Municipal Emergency Government Director

Sec. 5-5-1 Joint Action Ordinance.

- (a) A Joint Action Ordinance (#94) of the Board of Supervisors of Dunn County providing for a county-municipal joint action emergency government plan of organization adopted by said County Board on the eighteenth (18th) day of October, 1972. Said County ordinance is made a part hereof, by reference, and is hereby ratified and accepted by the Village.
- (b) This ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the Village and the County of Dunn.

Sec. 5-5-2 County-Municipal Emergency Government Director.

The County-Municipal Emergency Government Director, appointed and employed by the Dunn County Board, as provided in Ordinance #94, is hereby designated and appointed Emergency Government Director for the Village, subject to the conditions and provisions as set forth in the Wisconsin Statutes and said ordinance.



TITLE 6

Public Works

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



Chapter 1

Grades

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

Sec. 6-1-1 Establishments of Grades.

- (a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.
- (b) **New Sidewalk Grade.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Village Board shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.

Sec. 6-1-2 Alteration of Grade Prohibited.

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

Sec. 6-1-3 Regulation of Underground Utilities.

- (a) **Elevation.** The grade or elevation of all underground construction shall be a minimum of three (3) feet below the established grade of the street, alley, park, public property or

easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.

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

Chapter 2

Streets and Sidewalks

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Sec. 6-2-1 Removal of Rubbish and Dirt from Sidewalks.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board or its designee, the Village Board or its designee may cause the same to be done and report the cost thereof to the Village Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.60(16), Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

Sec. 6-2-2 Construction and Repair of Sidewalks; Cost of Curb and Gutter.

- (a) **Board May Order.** The Village Board may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk.

- (b) **Apportionment of Sidewalk Costs.** Any time the Village rebuilds or reconstructs a sidewalk, sidewalks shall be paid for fifty percent (50%) by the Village and fifty percent (50%) by the property owner. Sidewalks in new subdivisions shall be installed by the developer pursuant to the Village's Subdivision Ordinance (Title 14).
- (c) **Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Boyceville unless he is under contract with the Village to do such work or has obtained a permit therefore from the Village Clerk-Treasurer at least three (3) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (d) **Standard Specifications for Sidewalk.**
 - (1) **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village.
 - (2) **Grading.** Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of subgrade by the contractor.
 - (3) **Subgrade.** Subgrade shall be three (3) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft and unsuitable subgrade material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.
 - (4) **Concrete.** The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days. Bituminous sidewalks are prohibited.
 - (5) **Jointing.** Expansion joints one-half (1/2) inch thick and four (4) feet wide shall be placed at fifty (50) foot maximum intervals. At all places where a walk intersects another walk or curb line, a one-half (1/2) inch expansion joint shall be placed.
 - (6) **Slope.** To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) inch strip of street property left between the property line and the edge of the sidewalk.
 - (7) **Width and Thickness.**
 - a. All residential sidewalks in the Village shall be four (4) feet in width.
 - b. The width of sidewalks in commercial areas shall be as determined by the Village Board.
 - c. Residential walks shall be not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches.

Sidewalks in front of commercial or industrial establishments shall be not less than five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches.

- d. One-half (1/2) inch reinforcement rod shall be used when replacing or repairing sidewalks over alley entrances.
- (8) **Finishing.** The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.
- (9) **Curling.** Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days.
- (10) **Higher Standards.** Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Board.
- (11) **Repair or Replacement of Defective Sidewalks.**
- (12) The Village Board may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:
 - a. Three-fourths (3/4) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - b. One and one-fourth (1-1/4) inch horizontal distance between adjacent individual sidewalk blocks.
 - c. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.
- (13) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
- (c) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

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

Sec. 6-2-3 Excavations of Streets, Alleys, Public Ways and Grounds.

- (a) **Permit Required.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Boyceville without a permit therefor from the Director of Public Works or Village Clerk-Treasurer.
- (b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Village Clerk-Treasurer or Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Clerk-Treasurer or Director of Public Works shall determine if sufficient information is submitted.
- (c) **Exception.** The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Board or Director of Public Works.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the Village Clerk-Treasurer or Director of Public Works and payment of a Five Dollar (\$5.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Village Clerk-Treasurer or Director of Public Works.
- (f) **Village Standards; Fees.**
 - (1) **Village Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
 - (2) **Fee.** The fee for a street opening permit shall be Five Dollars (\$5.00) plus actual Village expenses. Permit fees shall be paid to the Village Clerk-Treasurer who shall issue his receipt therefor.
- (g) **Insurance Required.** A permit shall be issued only upon the condition that the applicant submit to the Village Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000.
- (h) **Bond.**
 - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement that he will indemnify and save harmless the Village of Boyceville and its officers from all liability for accidents and damage caused by

- any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of one (1) year, and that he will pay all fines or forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
- (2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (3) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in an amount determined by the Village Board.
 - (4) Whenever the Village Board shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.
 - (5) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

Sec. 6-2-4 Regulations Governing Excavations and Openings.

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the Village Board or its designee to be an emergency excavation.

(b) **Protection of Public.**

- (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Board or its designee, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
- (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Director of Public Works twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).
- (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g).

(c) **Pavement Removal.**

- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations.
- (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur

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

- (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
- (4) The Director of Public Works may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(d) **Excavation.**

- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.
- (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(e) **Backfilling.**

- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Director of Public Works, is unsuitable.
- (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Director of Public Works, hauled in.
- (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
- (4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
- (5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

- (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.
- (f) **Notice.** It shall be the duty of the permittee to notify the Village Clerk-Treasurer or Director of Public Works and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Village Clerk-Treasurer or Director of Public Works shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (g) **Pavement Replacement.**
 - (1) Backfill material shall be left below the original surface to allow for four (4) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
 - (2) Bituminous pavement shall be placed the full depth of the existing pavement or two and one-half (2-1/2) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half (1-1/2) inch base layer and a one (1) inch top layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.
 - (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by Village officials.
 - (4) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three (3) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
- (h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under

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

- (i) **Excavation in New Streets Limited.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village Clerk-Treasurer shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Village Board or its designee, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

Sec. 6-2-5 Obstructions and Encroachments.

- (a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.
 - (2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
 - (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
- (c) **Standards.** Property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:
- (1) The property must be located in an area used for commercial uses.
 - (2) The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
 - (3) The placement of the fixture shall not significantly impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than three (3) feet at any point.

- (d) **Removal by Village for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Removal by Village for Obstruction and Encroachments Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (f) **Failure to Remove Obstruction.**
 - (1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any Village enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.
 - (2) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

Sec. 6-2-6 Street Privilege Permit.

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Clerk-Treasurer or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Clerk-Treasurer may request advisory recommendations from the Director of Public Works, Chief of Police and/or Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Director of Public Works not exceeding Ten Thousand Dollars (\$10,000.00), conditioned that the applicant

will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. Upon request, the Village Board may waive this requirement.

- (c) **Fee.** The fee for a street privilege permit shall be in the sum of Five Dollars (\$5.00), plus any actual Village costs.
- (d) **Conditions of Occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board, Director of Public Works, Chief of Police, or Building Inspector for violation thereof:
- (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Village Board.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Clerk-Treasurer.
- (f) **Removal by Village.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Board to do so, it shall be the duty of the Village Board to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting

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such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State Law Reference: Sec. 66.045, Wis. Stats.

SEC. 6-2-7 Snow and Ice Removal.

- (a) **Deposit of Snow or Ice on the Sidewalks or Street; Public Nuisance; Abatement.** No person shall deposit snow or ice removed from private property onto sidewalks or streets in the Village of Boyceville. Any such deposits of snow or ice on the sidewalks or streets shall constitute a public nuisance and the Village of Boyceville shall have the right and power to abate such nuisance by the removal of such snow and ice. If any such deposit is made, the Public Works Supervisor may immediately thereafter cause such snow or ice to be removed from the street and/or from the full width of such sidewalks and to report the expense of: a) one hundred-fifty dollars (\$150.00) for one-sided frontage, or two hundred dollars (\$200.00) for corner lot frontage, or b) the actual costs incurred, whichever is more, to the Village Clerk with a description of the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be invoiced to the owner of the property from which such snow or ice was removed and, if not paid within thirty (30) days, entered in the tax roll as a special tax against said property. The term "sidewalk" shall be defined as set forth in Section 340.01 Wisconsin Statutes, and shall be an improved surface of stone, brick, cement, concrete, asphalt or like material.
- (b) **Removal of Snow and Ice From Sidewalks; Village to Remove; Property Owner Responsible.** In any case where any sidewalk (as defined in Section 6-2-7(a) of this Title) in front of or adjoining any lot or parcel of land within the Village of Boyceville shall remain covered in any part with snow or ice later than twelve o'clock (12:00) noon of the day following the end of the snowfall, the Public Works Supervisor may immediately thereafter cause such snow or ice to be removed from the full width of such sidewalk and to report the expense of: a) one hundred fifty dollars (\$150.00) for one-sided frontage, or two hundred dollars (\$200.00) for corner lot frontage, or b) the actual costs incurred, whichever is more, to the Village Clerk with a description of the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be invoiced to the owner of the property from which snow or ice was removed and, if not paid within thirty (30) days, entered in the tax roll as a special tax against said property.

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

- (c) **Enforcement.** All sworn police officers and other designated Village officials and employees are hereby authorized and directed to enforce the provisions of this Section.
- (d) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (e) **Abatement After Notice.** Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsection (b)(1) and (2) after receiving a written notice shall result in the Village causing the removal of said snow and/or ice.
- (f) **Expense.** Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-treasurer shall enter those charges on to the tax roll as a special tax as provided by Sec. 66.615(5), Wis. Stats.
- (g) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

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

Sec. 6-2-8 Terrace Areas.

- (a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-2(f).
- (b) **Noxious Weeds; Paving.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- (c) **Responsibility to Maintain.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Cross Reference: Title 6, Chapter 4.

Sec. 6-2-9 Vaults.

All vaults and cisterns under sidewalks shall be prohibited.

Sec. 6-2-10 Requests for Improvements.

Requests or petitions by Village property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board on or before September 15th to be considered for installation in the following year.

Sec. 6-2-11 Unlawful Dumping on Streets.

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

Sec. 6-2-12 Obstruction of Public Ditches.

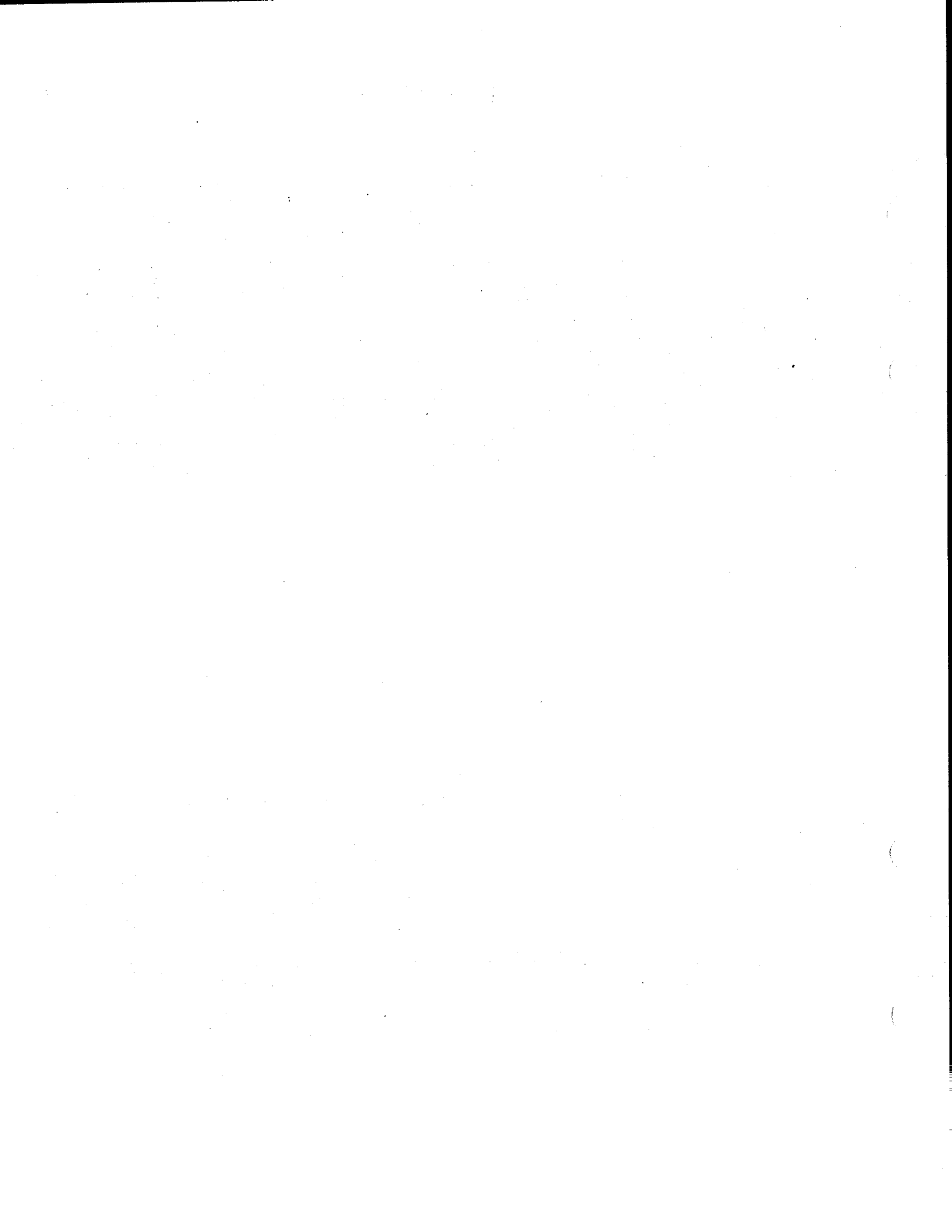
No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any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

Sec. 6-2-13 Street Numbers.

(a) Buildings to Have Street Numbers.

- (1) A uniform system of numbering properties and principal buildings, as shown on the map identified by the title 911 Emergency Numbering, which is filed in the office of the clerk, is hereby adopted for use in the Village of Boyceville, Dunn County, Wisconsin. This map and all explanatory matter thereon, is hereby adopted and made a part of this Section.
- (2) Each principal building in the Village shall be assigned to an official street number by the Village Clerk-Treasurer. All lots and parts of lots in the Village of Boyceville shall be numbered in accordance with a street numbering map on file in the office of the Village Clerk-Treasurer. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

- (3) All properties on the west side of north-south streets and all properties on the south side of east-west streets shall be assigned *even* numbers. All properties on the east side of north-south streets and all properties on the north side of east-west streets shall be assigned *odd* numbers.
 - (4) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family such as a duplex, or combination thereof each separate front entrance of such principal building shall bear a separate number. Apartments shall have one (1) address with each unit labeled by alphabet consecutively.
 - (5) Numerals indicating the official numbers shall be provided by the Village for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the road on which the property is located.
 - (6) The Village Clerk-Treasurer, or an outside firm contracted by the Village, shall be responsible for maintaining the numbering system.
 - (7) The Village Clerk-Treasurer shall keep a record of all numbers assigned under this Section.
 - (8) The Village Clerk-Treasurer shall issue to any property owner in the Village of Boyceville, upon request, a set of numerals for each principal building or separate front entrance to such building. In so doing, he/she shall issue only numerals for the number assigned to such building under the provisions of this Section; provided, however, that the Clerk-Treasurer may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, or vandalism has taken place.
- (b) **Street Numbers to Be Displayed.** The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him the official street number assigned to that building as provided in (a) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.
- (c) **Noncompliance.** If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the Village shall serve him a notice requiring him to properly number the same, and if he neglects to do so for ten (10) days after service, he shall be subject to a forfeiture as provided in Section 1-1-6.



Chapter 3

Driveways

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

Sec. 6-3-1 Driveway Permit Required.

- (a) **Purpose.** For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Boyceville without first obtaining a sidewalk permit therefor as provided by this Chapter. A sidewalk permit is not required when a new sidewalk is to be constructed in conjunction with the construction of a new principal structure; the sidewalk is included in the building permit process in such cases.
- (c) **Application.** Application for such permit shall be made to the Village Clerk-Treasurer on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. There is no fee for a driveway permit. Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Clerk-Treasurer shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
 - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.

- (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Village of Boyceville, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

Sec. 6-3-2 Driveway Location, Design and Construction Requirements.

- (a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:
 - (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
 - (2) **Number.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
 - (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (7).
 - (4) **Drainage.** The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

- (5) **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
 - (6) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Village and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Village Boards.
 - (7) **Relocation of Utilities.** Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.
 - (8) **Construction Across Sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.
 - (9) **Variations.** Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) **Width of Drive.** No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board in its discretion may permit a driveway of additional width.

- (2) **Angular Placement of Driveway.** The angle between the center line of the driveway and the curb line shall not be less than 45°.
 - (3) **Island Areas.** Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
- (c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- (1) **Width of Driveways.** Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
 - (2) **Angular Placement.** The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Village Clerk-Treasurer to issue a permit for a private driveway may appeal such refusal to the Village Board within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways.**
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village of Boyceville except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
 - (2) No driveway shall be closer than ten (10) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with

the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.

- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

(f) **Culvert Construction and Standards.**

- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be made of new manufacture, unless specifically excepted by the Director of Public Works or Village Engineer.
- (2) **Guage.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Guage
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover	Class of Pipe (in feet)
0-2	IV
2-3	III
3-6	II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Endwalls.** Culverts shall be provided with a concrete or metal apron endwalls as directed by the Village Engineer.
- (5) **Backfill Material.** Material used for backfill shall be of quantity acceptable to the Village Engineer or Director of Public Works and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (6) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Village Engineer or Director of Public Works.

- (7) **Distance.** The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a)(6).
- (8) **Cost.** The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.
- (9) **Appeal.** Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Village Clerk-Treasurer, who shall place the matter as an agenda item for the Village Board's next meeting. The Village Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Village Engineer or Director of Public Works may be asked to render an opinion on the request.

Chapter 4

Trees and Shrubs

6-4-1	Statement of Police and Applicability of Chapter
6-4-2	Definitions
6-4-3	Authority of Village Forester to Enter Private Premises
6-4-4	Interference with Village Forester Prohibited
6-4-5	Abatement of Tree Disease Nuisances
6-4-6	Assessment of Costs of Abatement
6-4-7	Planting of Trees and Shrubs
6-4-8	Trimming
6-4-9	Trees and Shrubbery Obstructing View at Intersections or View of Traffic Signs
6-4-10	Prohibited Acts
6-4-11	Appeal from Determinations and Orders
6-4-12	Adoption of State Statutes

Sec. 6-4-1 Statement of Police and Applicability of Chapter.

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

Sec. 6-4-2 Definitions.

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

- (a) **Person.** Person, firm, association or corporation.
- (b) **Public Areas.** Includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- (c) **Public Trees and Shrubs.** All trees and shrubs located or to be planted in or upon public areas.
- (d) **Public Nuisance.** Any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (e) **Boulevard or Terrace Areas.** The land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.
- (f) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) **Shrubs.** Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) **Tree.** Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (i) **Evergreen Tree.** Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.
- (j) **Forester.** Person, Village official, or Village employee designated by the Village Board as authorized to carry out provisions of this Chapter.

Sec. 6-4-3 Authority of Village Forester to Enter Private Premises.

- (a) The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. The Village Forester shall annually be appointed by the Village President, subject to Board confirmation, at the Board's organizational meetings.
- (b) The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

Sec. 6-4-4 Interference with the Village Forester Prohibited.

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

Sec. 6-4-5 Abatement of Tree Disease Nuisances.

- (a) **Dutch Elm and Other Tree Diseases a Public Nuisance.** Whereas the Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.), the Village Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.
- (b) **Definitions.** As used in this Section, unless otherwise clearly indicated by the context:
- (1) "Public Nuisance" in this Chapter means:
 - a. Fatal or deleterious tree diseases.
 - b. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.); Dutch Elm disease.
 - c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
 - d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
 - e. Any other deleterious or fatal tree disease.
 - f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park or other public or private place, including the terrace strip between curb and lot line.
 - g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.
 - (2) "Public property" means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
 - (3) "Person" means person, firm or corporation.
- (c) **Inspection.**
- (1) The Village Forester shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.

- (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this Section.

(d) **Abatement of Nuisances; Duty of Forester.**

- (1) Following authorization by the Village Board, the Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Section by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the inspect pests or vectors known to carry such disease fungus.
- (3) a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
- b. If, after hearing held pursuant to this Subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this Section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) **Spraying.**

- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, he may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide, following prior authorization by the Village Board.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Director of Public Works who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

Sec. 6-4-6 Assessment of Costs of Abatement.

The cost of abating a public nuisance or spraying diseased trees located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:

- (a) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
- (b) Upon receiving the Forester's report, the Village Board, or a designated standing committee thereof, shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.

- (c) After such hearing, the Village Board, or a designated standing committee thereof, shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
- (d) The Village Clerk-Treasurer shall mail notice of the amount of such final assessment to each owner of property assessed at his last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
- (e) The Village hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

Sec. 6-4-7 Planting of Trees and Shrubs.

- (a) **Purpose.** The Village Board hereby states its determination that the planting, care and protection of the trees within the Village is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (b) **Tree Planting Program.** The Village Forester shall recommend to the Village Board a program for tree planting, care and protection for public parks. The Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village.
- (c) **Cottonwood and Box Elder Trees Prohibited.** No person shall plant within the Village of Boyceville any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder *Acer Negundo*, which may now or hereafter become infested with Box Elder Bugs, and such trees are hereby declared a nuisance. Any person planting any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
- (d) **Planting of Certain Trees Restricted.** No person shall hereafter plant any Catalpa, Chinese Elm, American Elms, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar or any fruit or nut tree in or upon any public street, parkway, terrace or other public place within the Village of Boyceville unless he shall first secure written permission from the Village Forester, who shall not approve any such planting if, in his opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this Subsection.

(e) **Planting.**

- (1) a. All new street trees must be selected from a list of approved trees compiled by the Village Forester. No other species may be planted without a written permit from the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1-1/4) inches measured at six (6) inches above ground level.
- b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.
- c. The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
- d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village.
- (2) Where required, curbs and sidewalks must be installed prior to street tree planting. Distance between the face of the curb and the outer edge of the sidewalk must be at least five (5) feet. Trees must be planted half way between the sidewalk and curb unless underground utilities prevent such planting. No tree shall be planted closer than two (2) feet from the curb.
- (3) Trees may *not* be planted in the terrace closer than:
 - a. Twenty (20) feet to a utility or street lighting pole.
 - b. Fifteen (15) feet to a driveway or alley.
 - c. Six (6) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than six (6) feet.
 - d. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.
 - e. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.]
- (4) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (5) The property owner has the responsibility to locate underground utilities before digging.
- (6) Evergreen trees shall not be planted in a terrace area.

- (f) **Unlawfully Planted Trees.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished

within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

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

Sec. 6-4-8 Trimming.

- (a) Any person growing a tree, plant or shrub on any private property abutting on public streets or public places shall:
 - (1) Trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.
 - (2) Treat or remove any tree, plant or shrub which the Village Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets.
 - (3) Remove and refrain from planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (b) Owners of any terrace trees may request to have any tree, plant or shrub sprayed, trimmed or removed by the Village; such trimming shall be paid for by the Village.
- (c) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- (d) The necessity of the pruning may be determined by the Village Forester.
- (e) Clearance from sidewalk to lower branches shall not be less than seven (7) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than seven (7) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
- (f) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.

Sec. 6-4-9 Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs.

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village any hedge, tree, shrub or other growth which may

obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

- (b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or other Village employees shall order the Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances.

Sec. 6-4-10 Prohibited Acts.

- (a) **Damage to Public Trees.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
 - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie

temporary signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.

- (6) Cause or encourage any fire or burning near or around any tree.
- (b) **Excavations.** All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.
- (c) **Interference With Forester.** No person shall:
 - (1) Interfere with or prevent any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this Section.
 - (2) Refuse to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this Section.
- (d) **Refusal to Abate Nuisance.** Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

Sec. 6-4-11 Appeal from Determinations or Orders.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Board shall file its written decision with the Village Clerk-Treasurer.

Sec. 6-4-12 Adoption of State Statutes.

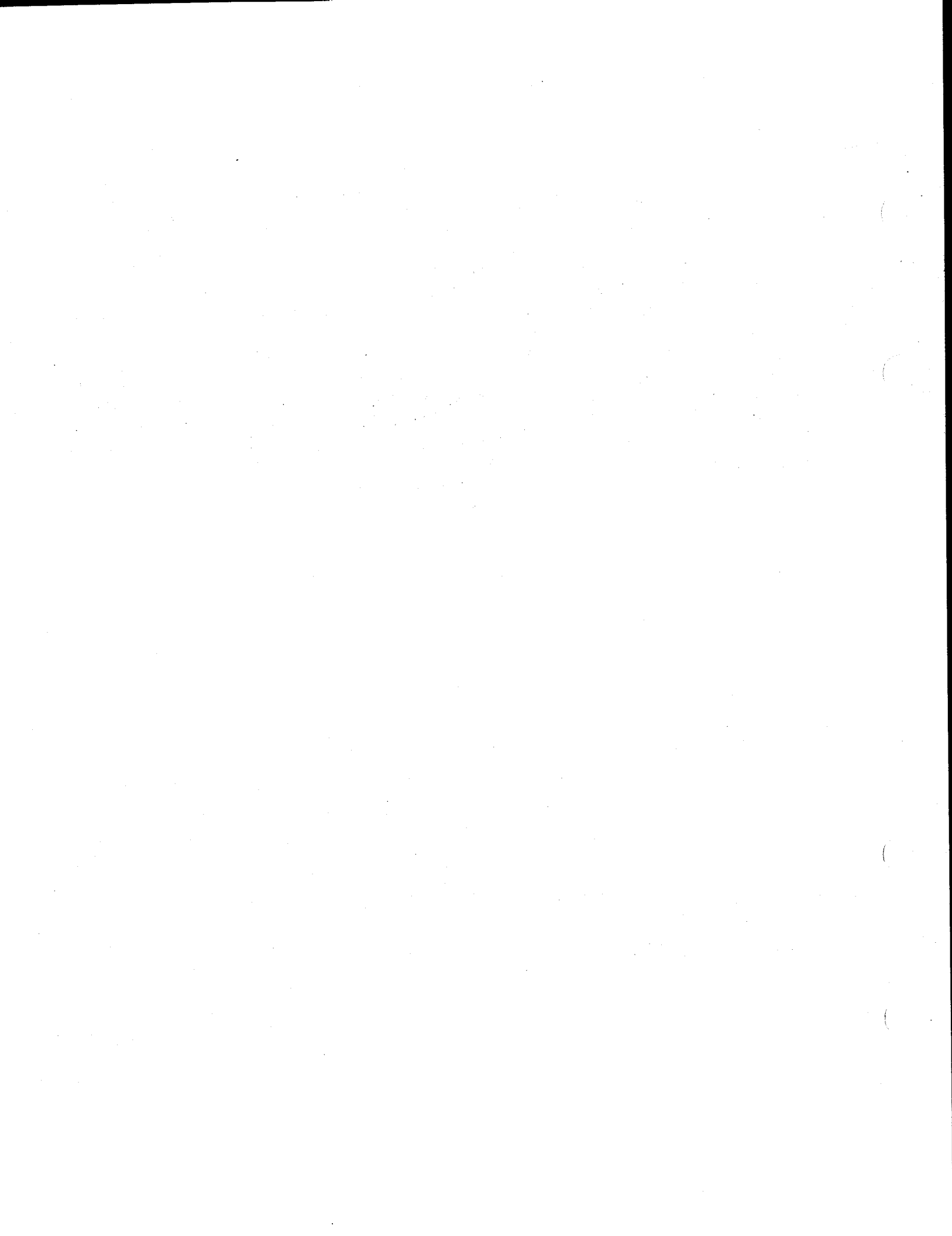
Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

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

TITLE 7

Licensing and Regulation

Chapter 1	Licensing of Dogs and Regulation of Animals
Chapter 2	Fermented Malt Beverages and Intoxicating Liquor
Chapter 3	Cigarette License
Chapter 4	Transient Merchants
Chapter 5	Mobile Homes
Chapter 6	Regulation and Licensing of Fireworks
Chapter 7	Street Use Permits
Chapter 8	Regulation of Nonmetallic Mining
Chapter 9	Pool Halls; Coin Operated Machines
Chapter 10	Licensees to Pay Local Claims; Appellate Procedures



Chapter 1

Licensing of Dogs and Regulation of Animals

7-1-1	Dog Licenses Required; Definitions
7-1-2	Rabies Vaccination Required for License
7-1-3	Issuance of Dog and Kennel Licenses
7-1-4	Late Fees
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7-1-6	Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals; Farm Animals
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7-1-17	Neglected or Abandoned Animals
7-1-18	Cruelty to Animals and Birds Prohibited
7-1-19	Limitation on Number of Dogs and Cats
7-1-20	Trapping of Animals
7-1-21	Keeping of Bees
7-1-22	Penalties

Sec. 7-1-1 Dog License Required; Definitions.

- (a) **License Required.** It shall be unlawful for any person in the Village of Boyceville to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner.** Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily

for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.

- (2) **At Large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
- (3) **Dog.** Any canine, regardless of age or sex.
- (4) **Cat.** Any feline, regardless of age or sex.
- (5) **Neutered.** Adog or cat having nonfunctional reproductive organs.
- (6) **Animal.** Mmmals, reptiles and birds.
- (7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (8) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (10) **Pet.** An animal kept and treated as a pet.
- (11) **Residential Lot.** A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (12) **Restrain.** Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.
- (13) **Untagged.** Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Required for License.

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Boyceville after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a

current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 7-1-3 Issuance of Dog and Kennel Licenses.

- (a) **Dog Licenses.**
 - (1) It shall be unlawful for any person in the Village of Boyceville to own, harbor or keep any dog more than five (5) months of age without complying with the provisions

of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

- (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this Section shall be as established by Dunn County.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefor.

(b) **Kennel Licenses.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty-six and 50/100 Dollars (\$36.50) for a kennel of twelve (12) or fewer dogs and an additional Four Dollars (\$4.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the Village Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
- (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel

whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

- (3) The term "kennel" means any establishment wherein or whereon three (3) or more dogs are kept.
- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 948 of the Wisconsin Statutes.
- (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

State Law Reference: Sec. 174.053, Wis. Stats.

Sec. 7-1-4 Late Fees.

The Village Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded.

All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.

- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) **Quarantine or sacrifice of dog or cat.** An officer or animal warden shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) **Sacrifice of other animals.** An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) **Quarantine of Dog or Cat.**
 - (1) **Delivery to isolation facility or quarantine on premises of owner.** An officer or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) **Health risk to humans.** If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) **Risk to animal health.**
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one

hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

- b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) **Destruction of a dog or cat exhibiting symptoms of rabies.** If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Boyceville to own, harbor or keep any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person or destroys property.
- (3) Is at large within the limits of the Village.
- (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-12.)
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) In the case of a dog, is unlicensed.

(b) **Vicious Dogs and Animals.**

- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
- (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) **Animals Running at Large.**

- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.

(d) **Animals Restricted on Public Grounds and Cemeteries.** No dog or cat shall be permitted in any public playground, school grounds, public park, beach, or swimming area within the Village unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this Section.

(e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

Sec. 7-1-7 Impoundment of Animals.**(a) Animal Control Agency.**

- (1) The Village of Boyceville may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Boyceville does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

(b) Impounding of Animals. In addition to any penalty hereinafter provided for a violation of this Chapter, A law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.**(c) Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.**(d) Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.**(e) Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.**Sec. 7-1-8 Duty of Owner in Case of Dog or Cat Bite.**

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Village Police Department and shall

keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

Sec. 7-1-9 Pit Bulls and Other Dangerous Animals.

- (a) **Keeping of Animals Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Boyceville:
- (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.
 - (2) Any animal having poisonous bites.
 - (3) Any pit bull dog provided that pit bull dogs registered with the Village on the day this Section becomes effective may be kept within the Village subject to the standards and requirements set forth in Subsection (b) of this Section. "Pit bull dog" as that term is used in this Section is defined to mean:
 - a. The Staffordshire bull terrier breed of dog;
 - b. The American pit bull terrier breed of dog;
 - c. The American Staffordshire terrier breed of dog;
 - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
- (b) **Keeping of Registered Pit Bulls.** The provisions of Subsection (a) are not applicable to owners, keepers or harbors of pit bull dogs registered with the Village of Boyceville keeping, owning or harboring of such dogs is however subject to the following conditions:
- (1) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - (2) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning and building regulations of the Village and shall be kept in a clean and sanitary condition.
 - (3) **Confinement Indoors.** No pit bull dog may be kept on a porch, patio or in any part of a hours or structure that would allow the dog to exit such building on its own volition.
 - (4) **Signs.** All owners, keepers or harborers of registered pit bull dogs within the Village shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware

- of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (5) **Insurance.** All owners, keepers or harborers of registered pit bull dogs must within thirty (30) days of the effective date of this Section provide proof to the Clerk-Treasurer of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Clerk-Treasurer.
 - (6) **Registration.** All owners, keepers or harborers of pit bull dogs shall within thirty (30) days after the effective date of this Section register said dog with the Village by filing with the Clerk-Treasurer two (2) color photographs of the dog clearly showing the color and approximate size of the dog.
 - (7) **Reporting Requirements.** All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Clerk-Treasurer:
 - a. The removal from the Village or death of a registered pit bull;
 - b. The birth of offspring of a registered pit bull dog;
 - c. The new address of a registered pit bull dog should the dog be moved within the Village of Boyceville.
 - d. If the registered pit bull dog is sold, the name and address of the new owner.
 - (8) **Animals Born of Registered Dogs.** All offspring born of pit bull dogs registered within the Village must be removed from the Village within six (6) weeks after the birth of said animal.
 - (9) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the Village to fail to comply with the requirements and conditions set forth in this Section.

Sec. 7-1-10 Animal Feces.

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

Sec. 7-1-11 Injury to Property by Animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

Sec. 7-1-12 Barking Dogs or Crying Cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Village Police Department within a four (4) week period.

Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects; Farm Animals.

(a) Protected Animals.

- (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kemp*).
- (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
 - (3) Baboons (*Papoi*, *Mandrillus*).
 - (4) Bears (*Ursidae*).
 - (5) Bison (*Bison*).
 - (6) Cheetahs (*Acinonyx jubatus*).
 - (7) Crocodilians (*Crocodylia*), thirty (30) inches in length or more.
 - (8) Constrictor snakes.
 - (9) Coyotes (*Canis latrans*).
 - (10) Deer (*Cervidae*); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
 - (11) Elephants (*Elephas* and *Loxodonta*).
 - (12) Ferret.
 - (13) Game cocks and other fighting birds.
 - (14) Hippopotami (*Hippopotamidae*).
 - (15) Hyenas (*Hyaenidae*).
 - (16) Jaguars (*Panthera onca*).
 - (17) Leopards (*Panthera pardus*).
 - (18) Lions (*Panthera leo*).
 - (19) Lynxes (*Lynx*).
 - (20) Monkeys, old world (*Cercopithecidae*).
 - (21) Ostriches (*Struthio*).
 - (22) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (23) Rhinoceroses (*Rhinocero tidae*).
 - (24) Sharks (class *Chondrichthyes*).
 - (25) Snow leopards (*Panthera uncia*).
 - (26) Tigers (*Panthera tigris*).

- (27) Wolves (*Canis lupus*).
- (28) Poisonous insects.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
 - (1) Their location conforms to the provisions of the zoning ordinance of the Village.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
- (e) **Farm Animals; Miniature Pigs.** Except on properties zoned in an agricultural classification or when a conditional use permit is issued by the Village Board, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl [more than two (2)] or rabbits [more than two (2)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.

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

State Law Reference: Sec. 948.11, Wis. Stats.

Sec. 7-1-15 Providing Proper Food and Drink to Confined Animals.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.

- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 948.13, Wis. Stats.

Sec. 7-1-16 Providing Proper Shelter.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
 - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) **Shelter from inclement weather.**
 - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

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

Sec. 7-1-17 Neglected or Abandoned Animals.

(a) Neglected or Abandoned Animals.

- (1) No person may abandon any animal.
- (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

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

Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is

reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

Sec. 7-1-19 Limitation on Number of Dogs and Cats.

- (a) **Purpose.** The keeping of a large number of dogs and cats within the Village of Boyceville for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Number Limited.**
 - (1) No person or family shall own, harbor or keep in its possession more than four (4) dogs and four (4) cats in any residential unit without the prior issuance of a kennel license by the Village Board except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
 - (2) The above requirement may be waived with the approval of the Village Board when a kennel license has been issued by the Village pursuant to Section 7-1-3(b). Such application for waiver shall first be made to the Village Clerk-Treasurer.

Sec. 7-1-20 Trapping of Animals.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Boyceville to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.

- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping on private property.
- (e) Nothing in this Section shall prohibit or hinder the Village of Boyceville or its employees or agents from performing their official duties.

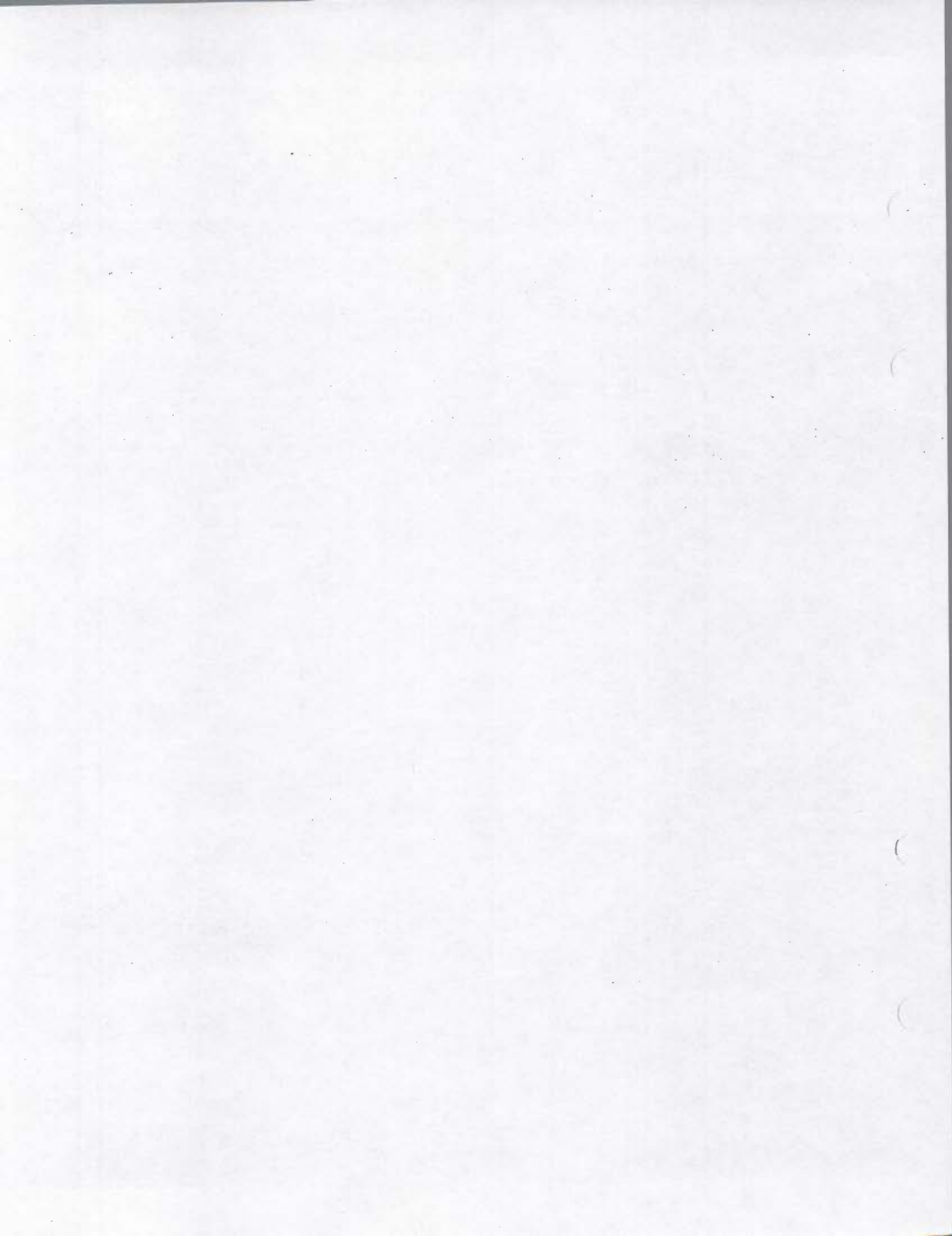
Sec. 7-1-21 Keeping of Bees.

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

Sec. 7-1-22 Penalties.

- (a) Any person violating Sections 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20 or 7-1-21 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.

- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-15 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- (d) Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event the owner or keeper of the dog fails to remove the dog from the Village. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.



7-2-35 Training Course
7-2-37 Revocation of Operator's License
7-2-38 through
7-2-39 Reserved for Future Use

Article C Penalties

7-2-40 Penalties

Article A: Fermented Malt Beverages and Intoxicating Liquor

Sec. 7-2-1 State Statutes Adopted.

The provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

State Law Reference: Chapter 125, Wis. Stats.

Sec. 7-2-2 Definitions.

As used in this Chapter the terms "Alcoholic Beverages," "Intoxicating Liquors," "Principal Business," "Legal Drinking Age", "Premises," "Sell," "Sold," "Sale," "Restaurant," "Club," "Retailer," "Person," "Fermented Malt Beverages," "Wholesalers," "Retailers," "Operators," and "Non-Intoxicating Beverages" shall have the meaning given them by Chapter 125, Wisconsin Statutes.

Sec. 7-2-3 License Required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.

Sec. 7-2-4 Classes of Licenses.

- (a) **Retail "Class A" Intoxicating Liquor License.** A retail "Class A" intoxicating liquor license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

- (b) **Retail "Class B" Intoxicating Liquor License.** A retail "Class B" intoxicating liquor license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- (c) **Class "A" Fermented Malt Beverage Retailer's License.** A Class "A" retailer's fermented malt beverage license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (d) **Class "B" Fermented Malt Beverage Retailer's License.**
- (1) **License.** A Class "B" fermented malt beverage retailer's license, when issued by the Village Clerk-Treasurer under the authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale, fermented malt beverages, either to be consumed upon the premises where sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a percentum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.
- (2) **Application.** Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least six (6) months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this Chapter. Except as provided in Sec. 125.31, Wis. Stats., Class "B" licenses may not be issued to brewers or fermented malt beverages wholesalers.
- (e) **Temporary Class "B" Fermented Malt Beverage License.**
- (1) **License.** As provided in Sec. 125.26(1) and (6), Wis. Stats., temporary Class "B" fermented malt beverage licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and

all persons engaging in retail sales of fermented malt beverages from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. Such license is valid for dates as approved by the Village Board.

- (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary Class "B" license for one (1) year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.
- (f) **Temporary "Class B" Wine License.**
- (1) **License.** Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., or the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine containing not more than six percent (6%) alcohol by volume from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine containing not more than six percent (6%) alcohol by volume from the stands while the fair is being held.
 - (2) **Application.** Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Village Clerk-Treasurer together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be subject to a forfeiture of Two Hundred Dollars (\$200.00) and will be ineligible to apply for a temporary "Class B" wine license for one (1) year. The license shall specify the hours and dates

of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Village Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a Village park, the applicant shall specify the main point of sale facility.

- (g) **Wholesaler's License.** A wholesaler's fermented malt beverage license, when issued by the Village Clerk-Treasurer under authority of the Village Board, shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises of said wholesaler.
- (h) **Retail "Class C" Licenses.**
- (1) In this Subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
 - (2) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
 - (3) A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
 - (4) A "Class C" license shall particularly describe the premises for which it is issued.

Cross Reference: Section 7-2-17.

Sec. 7-2-5 License Fees.

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

- (a) **Class "A" Fermented Malt Beverages Retailer's License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00). The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.
- (b) **Class "B" Fermented Malt Beverage License.** The annual fee for this license shall be One Hundred Dollars (\$100.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued. The fee for a license for less than twelve (12) months shall be prorated according to the number of months or fraction thereof for which the license is issued.

- (c) **Temporary Class "B" Fermented Malt Beverage License.** The fee for this license shall be Ten Dollars (\$10.00) per event.
- (d) **Temporary "Class B" Wine License.** The fee for this license shall be Ten Dollars (\$10.00) per event. However, there shall be no fee if the Temporary Wine License is obtained along with a Temporary Fermented Malt Beverage License.
- (e) **Fermented Malt Beverage Wholesalers' License.** The annual fee for this license shall be Twenty-five Dollars (\$25.00).
- (f) **"Class A" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Two Hundred Fifty Dollars (\$250.00).
- (g) **"Class B" Intoxicating Liquor Retailer's License.** The annual fee for this license shall be Four Hundred Dollars (\$400.00). This license may be issued at any time for six (6) months in any calendar year, for which fifty percent (50%) of the applicable license fee shall be paid, but such license shall not be renewable during the calendar year in which issued.
- (h) **"Class C" Wine License.** The annual fee for this license shall be Two Hundred Dollars (\$200.00). The fee for less than twelve (12) months shall be prorated.

Sec. 7-2-6 Application for License.

- (a) **Contents.** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on the form prescribed by the Wisconsin Department of Revenue and shall be sworn to by the applicant as provided by Secs. 887.01 to 887.04, Wis. Stats., and shall be filed with the Village Clerk-Treasurer not less than fifteen (15) days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) **Corporations.** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- (c) **Publication.** The Village Clerk-Treasurer shall publish each application for a Class "A", Class "B", "Class A", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.26, Wis. Stats., or temporary "Class B" picnic wine licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Village newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- (d) **Amending Application.** Whenever anything occurs to change any fact set out in the application of any Licensee, such Licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- (e) **License Quotas.**
 - (1) The number of persons and places that may be granted a retail "Class B" liquor license under this Section is limited as provided in Chapter 125, Wis. Stats.

- (2) Pursuant to this Statute, no more than one (1) retail "Class B" liquor license shall be granted and issued for each five hundred (500) inhabitants or fraction thereof in the Village, such population to be determined by the last preceding national census or official estimate thereof by the Bureau of Census of the United States Government.

Sec. 7-2-7 Qualifications of Applicants and Premises.

- (a) **Residence Requirements.** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of the application.
- (b) **Applicant to have Malt Beverage License.** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- (c) **Right to Premises.** No applicant will be considered unless he has the right to possession of the premises described in the application for the license period, by lease or by deed.
- (d) **Age of Applicant.** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- (e) **Corporate Restrictions.**
 - (1) No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualification under Sec. 125.04(a)2. The requirement that the corporation meet the qualifications under Sec. 125.04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
 - (2) Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and Licensee to file with the Village Clerk-Treasurer a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
 - (3) Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or under the state law.
- (f) **Sales Tax Qualification.** All applicants for retail licenses shall provide proof, as required by Sec. 77.61(11), Wis. Stats., that they are in good standing for sales tax purposes (i.e., hold a seller's permit) before they may be issued a license.

- (g) **Connecting Premises.** Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license or permit, a Class "B" license or permit, or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.
- (h) **Limitations on Other Business; Class "B" Premises.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:
- (1) A hotel.
 - (2) A restaurant, whether or not it is a part of or located in any mercantile establishment.
 - (3) A combination grocery store and tavern.
 - (4) A combination sporting goods store and tavern in towns, villages and 4th class cities.
 - (5) A combination novelty store and tavern.
 - (6) A bowling alley or recreation premises.
 - (7) A club, society or lodge that has been in existence for six (6) months or more prior to the date of filing application for the Class "B" license or permit.

Sec. 7-2-8 Investigation.

The Village Clerk-Treasurer shall notify the Chief of Police, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Village Clerk-Treasurer in writing, who shall forward to the Village Board, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

Sec. 7-2-9 Approval of Application.

- (a) No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Village are delinquent and unpaid.

- (b) No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Village.
- (c) Consideration for the granting or denial of a license will be based on:
 - (1) Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - (2) The financial responsibility of the applicant;
 - (3) The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - (4) Generally, the applicant's fitness for the trust to be reposed.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-10 Granting of License.

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Village Board, the Village Clerk-Treasurer shall issue to the applicant a license, upon payment by the applicant of the license fee to the Village. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Village Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Village Board and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Sec. 19.85(1)(b), Wis. Stats., unless the applicant requests such reconsideration be held in open session and the Village Board consents to the request. Such written notice shall

be mailed or served upon the applicant at least ten (10) days prior to the Village Board meeting at which the application is to be reconsidered.

Sec. 7-2-11 Transfer and Lapse of License.

- (a) In accordance with the provisions of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premises to another if such transfer is first approved by the Village Board. An application for transfer shall be made on a form furnished by the Village Clerk-Treasurer. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is Ten Dollars (\$10.00). Whenever a license is transferred, the Village Clerk-Treasurer shall forthwith notify the Wisconsin Department of Revenue of such transfer. In the event of the sale of a business or business premises of the Licensee, the purchaser of such business or business premises must apply to the Village for reissuance of said license and the Village, as the licensing authority, shall in no way be bound to reissue said license to said subsequent purchaser.
- (b) Whenever the agent of a corporate holder of a license is for any reason replaced, the Licensee shall give the Village Clerk-Treasurer written notice of said replacement, the reasons therefor and the new appointment. Until the next regular meeting or special meeting of the Village Board, the successor agent shall have the authority to perform the functions and be charged with the duties of the original agent. However, said license shall cease to be in effect upon receipt by the Village Clerk-Treasurer of notice of disapproval of the successor agent by the Wisconsin Department of Revenue or other peace officer of the municipality in which the license was issued. The corporation's license shall not be in force after receipt of such notice or after a regular or special meeting of the Village Board until the successor agent or another qualified agent is appointed and approved by the Village.

Sec. 7-2-12 Numbering of License.

All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the Licensee. The Village Clerk-Treasurer shall affix to the license his affidavit as provided by Sec. 125.04(4) of the Wisconsin Statutes.

Sec. 7-2-13 Posting Licenses; Defacement.

- (a) Every person licensed in accordance with the provisions of this Chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the room or place where said beverages are drawn or removed for service or sale.

- (b) It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application or knowingly to deface or destroy such license.

Sec. 7-2-14 Conditions of License.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this Section, and subject to all other Ordinances and regulations of the Village applicable thereto.

- (a) **Consent to Entry.** Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Village at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Village Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- (b) **Employment of Minors.** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- (c) **Disorderly Conduct Prohibited.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (d) **Licensed Operator on Premises.** There shall be upon premises operated under a "Class B", Class "B", or "Class C" license, at all times, the Licensee, members of the Licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the Licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless he possesses an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- (e) **Health and Sanitation Regulations.** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (f) **Restrictions Near Schools and Churches.** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

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

Annotation: See *Colonnade Catering Corp. v. United States*, 397 U.S. 72, 90 S. Ct. 774 (1970); and *State v. Erickson*, 101 Wis. 2d 224 (1981), for guidelines for warrantless searches of licensed premises.

Sec. 7-2-15 Closing Hours.

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

(a) **Class "B" Licenses.**

- (1) No premises for which a retail "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours

- of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
- (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.
- (b) **Carryout Hours.** Between 9:00 p.m. and 6:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

Sec. 7-2-16 Restrictions on Temporary Fermented Malt Beverage or Wine Licenses.

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

- (a) **Compliance with Eligibility Standards.** The organization shall meet the eligibility requirements of a bona fide club, association, lodge or society as set forth in Sec. 125.26(6), Wis. Stats., and shall fully comply with the requirements of this Section and Section 11-4-1. Members of an organization which is issued a temporary license and who are issued operator's licenses for the event may be required to attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.
- (b) **Posting of Signs and Licenses.** All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.
- (c) **Fencing.**
- (1) If necessary due to the physical characteristics of the site, the Village Board may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one (1) point of ingress and egress. When

- required, the double fence shall be a minimum of four (4) feet high and a minimum of six (6) feet between fences.
- (2) For indoor events, the structure used shall have suitable exits and open spaces to accommodate anticipated attendance. It should contain adequate sanitary facilities to accommodate the size of the group.
- (d) **Underage Persons Prohibited.** No underage persons as defined by the Wisconsin Statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (e) **Licensed Operators Requirement.** A licensed operator shall be stationed at all points of sales at all times.
- (f) **Waiver.** The Village Board may waive or modify the requirements of this Section due to the physical characteristics of the licensed site.
- (g) **Insurance.** The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Boyceville. The applicant may be required to furnish a performance bond prior to being granted the license.

Cross Reference: Section 11-4-1.

Sec. 7-2-17 Revocation and Suspension of Licenses; Non-Renewal.

- (a) **Procedure.** Whenever the holder of any license under this Chapter violates any portion of this Chapter or Title 11, Chapter 4, of this Code of Ordinances, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- (b) **Abandonment of Premises.** Any Licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the abandonment, unless extended by the Village Board. All persons issued a license to sell alcohol beverages in the Village for which a quota exists limiting the number of such licenses that may be issued by the Village shall cause such business described in such license to be operated on the premises described in such license for at least one hundred fifty (150) days during the terms of such license, unless such license is issued for a term of less than one hundred eighty (180) days, in which event this Subsection shall not apply.

- (c) **License Revocation or Suspension.** License revocation or suspension procedures shall be as prescribed by Chapter 125, Wis. Stats.

Sec. 7-2-18 Non-Alcohol Events for Underage Persons on Licensed Premises.

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

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

Sec. 7-2-19 Outdoor Sports Activities Regulated.

- (a) **Purpose.** The Village Board finds that restrictions are necessary for outdoor sports activities at premises holding "Class B" and Class "B" liquor and fermented malt beverages licenses due to concerns arising from noise, density and related problems. This Section

enacted pursuant to police power provides a framework for regulatory controls on such outdoor sports activities.

- (b) **Approval Required.** No Licensee shall conduct or sponsor any outdoor sports activity or event on property forming any part of the real property on which the licensed premises exist without the prior approval of the Village Board.
- (c) **Application.** If a Licensee shall conduct or sponsor any outdoor sports activity or event on the Licensee's property, the Licensee shall file an application with the Clerk-Treasurer setting forth the following information:
 - (1) The name, address and telephone number of the person or persons who will be responsible for the actual conduct of the activity or event;
 - (2) The date and duration of time for the proposed activity or event;
 - (3) An accurate description of that portion of the Licensee's property proposed to be used;
 - (4) A good faith estimate of the number of participants and spectators for the proposed activity or event; and
 - (5) The Licensee's plan for maintaining the cleanliness of the licensed area.
- (d) **Time for Filing.** The Licensee shall file the application not less than thirty (30) days before the date of the proposed activity or event. The Village Board may waive the thirty (30) day time limit upon a Licensee's showing of exigent circumstances. The application shall be accompanied by payment of a fee of Ten Dollars (\$10.00) for review of the application.
- (e) **Review.** The Village Board shall review the applications in light of the standards of this Section. If the nature of the property or the event requires the imposition of additional regulations, the Village Board may impose these regulations upon an express finding detailing the reasons for additional regulation.
- (f) **Standards.** The following standards shall apply to any outdoor sports activity regulated under this Section:
 - (1) Approval of an application shall not act to permit outdoor consumption of alcohol beverages on the property beyond the area specifically licensed.
 - (2) If the estimated number of participants and spectators shall bring the number of persons on the property above the number for which licensed premises' restroom facilities are rated adequate, the Licensee shall provide a number of portable temporary restrooms sufficient to serve the estimated number of persons.
 - (3) The Village Board shall not grant approval to any applicant whose property on which the activity or event is proposed is adjacent to any property zoned residential or on which a residential use exists as a nonconforming use, or within seventy (70) feet of any property zoned residential or on which a residential use exists as a nonconforming use. Fencing may be required.
 - (4) The applicant shall provide parking adequate for the proposed activity or event, whether on-site or through agreements with property owners shown to the Village Board's satisfaction to permit their property to be used for parking for the proposed activity or event.

- (5) The applicant shall show the Village Board plans adequate to provide reasonable access to participants and spectators for the event, and to limit access for all other persons.
- (g) **Maintenance Standards.** The Licensee shall clean up all garbage and debris relating to the activity or event at least once per twenty-four (24) hours during the activity or event.
- (h) **Noise.** The Licensee shall not permit the noise level of the activity or event to exceed seventy-five (75) dB, measured at any border of the Licensee's real property.
- (i) **Violations.** Failure of the Licensee to comply with any of the provisions of this Section shall be grounds for suspension, nonrenewal or revocation of the Licensee's alcohol beverage license or licenses.

Sec. 7-2-20 Cabaret Licenses; Dancing in Taverns.

- (a) **License Required.** No person licensed to sell intoxicating liquors or fermented malt beverages under Class "B" fermented malt beverage license shall permit dancing in their licensed premises by patrons, or cause the same to be done, without having procured a cabaret license as provided in this Section.
- (b) **License Fee.** The annual license fee shall be One Hundred Dollars (\$100.00) for a one (1) year period ending June 30. Licenses may be granted upon a prorated payment of the fee based on the number of months or fraction thereof remaining until June 30 bears to twelve (12). The proration shall not be less than a six (6) month equivalent for a portion of a year.
- (c) **License Application.**
 - (1) Application for a cabaret license to permit dancing in a licensed Class "B" liquor or Class "B" fermented malt beverage premises shall be made in writing on a form provided by the Village Clerk-Treasurer, accompanied by payment to the Village of the license fee, which application shall set forth the name of the applicant, the name of the Class "B" liquor or Class "B" fermented malt beverage licensed premises and a sufficient description of the proposed dance area to provide supervision and inspection of the premises.
 - (2) Whenever anything occurs to change any facts stated in the application, the licensee shall file with the issuing authority a notice in writing of the change within ten (10) days after the occurrence thereof.
- (d) **License Investigation.** The Clerk-Treasurer shall notify the Health Officer, Fire Chief, Police Chief and Building Inspector who shall inspect or cause to be inspected each application and the premises, together with other necessary investigation to determine whether the applicant and the premises sought to be licensed comply with the regulations and laws applicable thereto, including those governing sanitation, safety and welfare. The Health Officer shall furnish to the Village Board a written report of the information from the investigation, accompanied by a statement as to whether the applicant and premises meet the requirements provided by this Section.

- (c) **Restrictions.** Dancing may take place in any portion of the licensed premises which meets with the following requirements:
- (1) The area for dancing is clearly set aside as a dance floor without furniture or carpeting thereon.
 - (2) The dancing area shall contain at least one hundred fifty (150) square feet in total area, the least dimension of which is not less than ten (10) feet.

Sec. 7-2-21 Nude Dancing Prohibited

An ordinance prohibiting live, totally nude, non-obscene erotic dancing in establishments licensed to sell alcohol beverages and creating an exception from such prohibition for theaters, civic centers, performing arts centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis.

WHEREAS, the Village Board of the Village of Boyceville has explicit authority under sec. 125.10(1), Stats., to adopt regulations governing the sale of alcohol beverages which are in addition to those set forth in ch. 125, Stats., and

WHEREAS, the Village Board has authority under its general police powers set forth in sec. 62.11(5), Stats. to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the Village Board recognizes it lacks authority to regulate obscenity in light of sec. 66.051(3), Stats., and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares it intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

WHEREAS, bars and taverns featuring live, totally nude, non-obscene, erotic dancing have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and

WHEREAS, the Village Board recognizes the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some limited protection under the First Amendment, and the governing body further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

Fermented Malt Beverages and Intoxicating Liquor

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WHEREAS, however the governing body is aware, based on the experience of other communities, that bars and taverns in which live, totally nude, non-obscene, erotic dancing occurs may and do generate secondary effects which the governing body believes are detrimental to the public health, safety and welfare of the citizens of the Village of Boyceville; and

WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, and (d) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

WHEREAS, the governing body desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the Village of Boyceville; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surroundings neighborhoods; and deter the spread of urban blight; and

WHEREAS, the governing body has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing in bars and taverns licensed to serve alcohol beverages promotes the goal fo minimizing, preventing and controlling the negative secondary effects associated with such activity.

NOW, THEREFORE,

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE DO ORDAIN AS FOLLOWS:

Section 1. NUDE DANCING AND IN LICENSED ESTABLISHMENTS PROHIBITED.

1. It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:
2. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
3. Shows any portion of the female breast below a point immediately above the top of the areola; or
4. Shows the covered male genitals in a discernably turgid state.

Section 2. EXCEPTIONS.

The provisions of this ordinance do not apply to the following licensed establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

Section 3. DEFINITIONS.

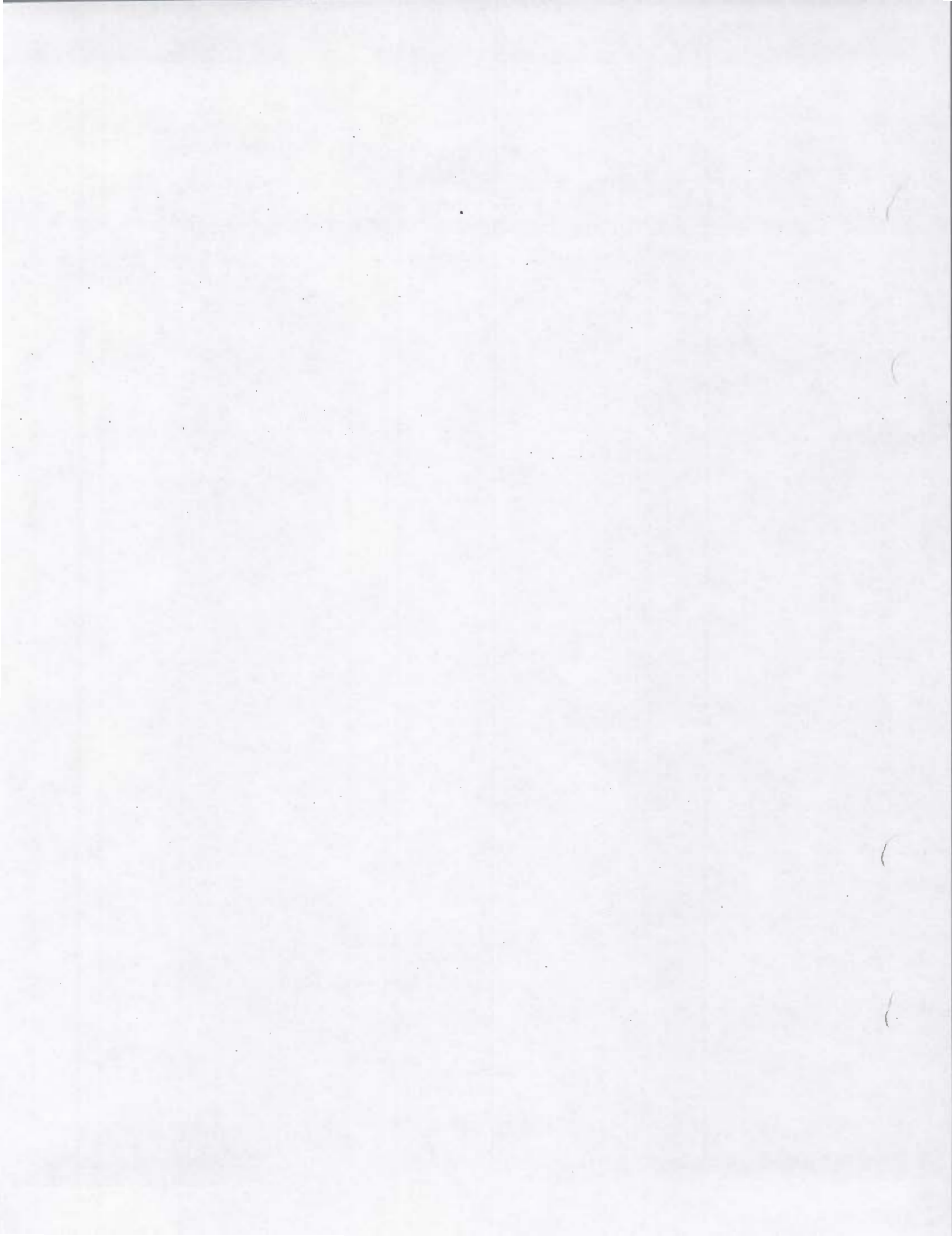
For purposes of this ordinance, the term "licensed establishment" means any establishment licensed by the Village of Boyceville to sell alcohol beverages pursuant to ch. 125, Stats. The term "licensee" means the holder of a retail "Class A", "Class B" or "Class C" license granted by the Village Board of the Village of Boyceville pursuant to Ch. 125, Stats.

Section 4. PENALTIES.

Any person, partnership, or corporation who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than five hundred dollars (\$500.00), and not more than one thousand dollars (\$1,000.00) per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this ordinance constitutes sufficient grounds for suspending, revoking or non-renewing an alcohol beverage license under sec. 125.12, Stats.

Section 5. SEVERABILITY.

If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.



Article B: Operator's License

Sec. 7-2-30 Operator's License Required.

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

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

Sec. 7-2-31 Procedure Upon Application.

- (a) The Village Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Village Clerk-Treasurer only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Village.
- (b) All applications are subject to an investigation by the Police Department and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The investigating authority shall conduct an investigation of the applicant including, but not limited to,

requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the investigating authority shall recommend, in writing, to the Village Board approval or denial of the application. If the investigating authority recommends denial, the investigating authority shall provide, in writing, the reasons for such recommendation.

Sec. 7-2-32 Duration.

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

Sec. 7-2-33 Operator's License Fee; Provisional or Temporary Licenses.

- (a) **Fee.** The fee for an operator's license shall be Ten Dollars (\$10.00) for the term or part thereof. The fee for a provisional license shall be Fifteen Dollars (\$15.00). There shall be no fee for a temporary operator's license.
- (b) **Provisional License.** The Village Clerk-Treasurer may issue provisional operator's licenses in accordance with Sec. 125.17(5), Wis. Stats. The provisional operator's license shall expire sixty (60) days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The Chief of Police shall submit to the Clerk-Treasurer a report regarding the applicant's conviction history, if any. The applicant for such provisional license must present evidence to the Clerk-Treasurer establishing that the applicant is enrolled in an Alcohol Awareness Training Program established pursuant to Sec. 125.17(a), Wis. Stats. The Village Clerk-Treasurer may, upon receiving an application for a temporary provisional license, issue such a license without requiring the successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his successful completion of the approved program, and the applicant shall also apply for a regular operator's license. A provisional license may not be issued to any person who has been denied an operator's license by the Village Board, who has had his operator's license revoked or suspended within the preceding twelve (12) months, or who previously held an operator's license and who failed to complete the Alcohol Awareness Training Program without first successfully completing the program. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk-Treasurer may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application. A provisional license shall not be renewed.

- (c) **Temporary License.** The Clerk-Treasurer may issue a temporary operator's license provided that:
- (1) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.
 - (2) No person may hold more than one (1) license of this kind per year.
 - (3) The license is valid for any period from one (1) day to fourteen (14) days, and the period for which it is valid shall be stated on the license.

Sec. 7-2-34 Issuance or Denial of Operator's Licenses.

- (a) After the Village Board approves the granting of an operator's license, the Village Clerk-Treasurer shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) (1) If the application is denied by the Village Board, the Village Clerk-Treasurer shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Village Board in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten (10) days prior to the Board's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted.
- (2) If, upon reconsideration, the Board again denies the application, the Village Clerk-Treasurer shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Sec. 125.12(2)(d), Wis. Stats., for review.
- (c) (1) Consideration for the granting or denial of a license will be based on:
- a. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.;
 - b. The financial responsibility of the applicant;
 - c. The appropriateness of the location and the premises where the licensed business is to be conducted; and
 - d. Generally, the applicant's fitness for the trust to be reposed.
- (2) If a Licensee is convicted of an offense substantially related to the licensed activity, the Village Board may act to revoke or suspend the license.
- (d) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance

of which is a right granted solely to the Village Board, the Village Board reserves the right to consider the severity, and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Village Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

Sec. 7-2-35 Training Course.

- (a) Except as provided in Subsection (b) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:
 - (1) The person is renewing an operator's license.
 - (2) Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
 - (3) Within the past two (2) years, the person has completed such a training course.
- (b) The Village Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (a) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (c) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

Sec. 7-2-36 Display of License.

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

Sec. 7-2-37 Revocation of Operator's License.

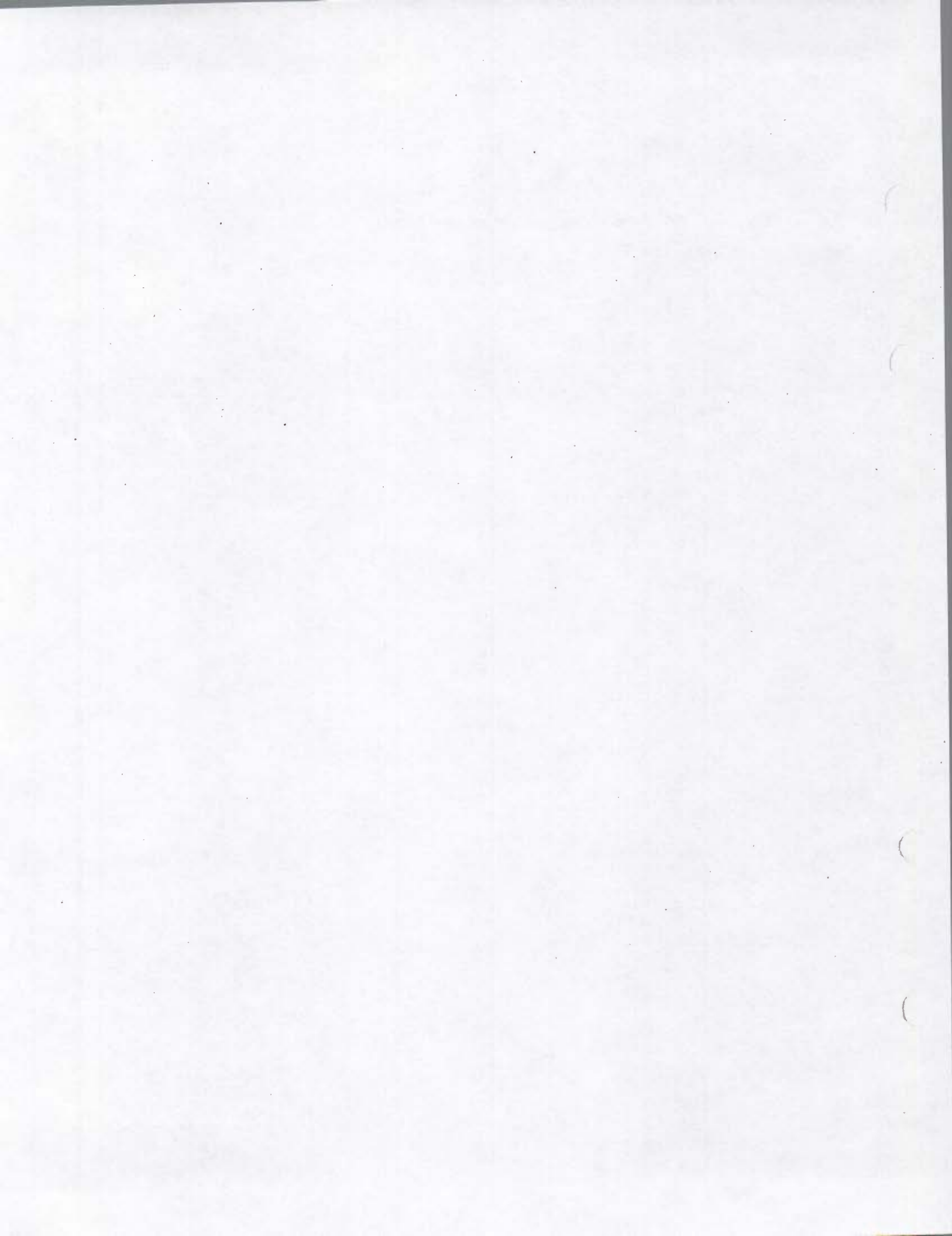
Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Sec. 7-2-38 through Sec. 7-2-39 Reserved for Future Use.

Article C: Penalties

Sec. 7-2-40 Penalties.

- (a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Village of Boyceville, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State Statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this Chapter of the Code of Ordinances of the Village of Boyceville, except as otherwise provided in Subsection (a) herein or who shall conduct any activity or make any sale for which a license is required without a license, shall be subject to a forfeiture as provided in the general penalty section of this Code of the Village of Boyceville.
- (c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.



Chapter 3

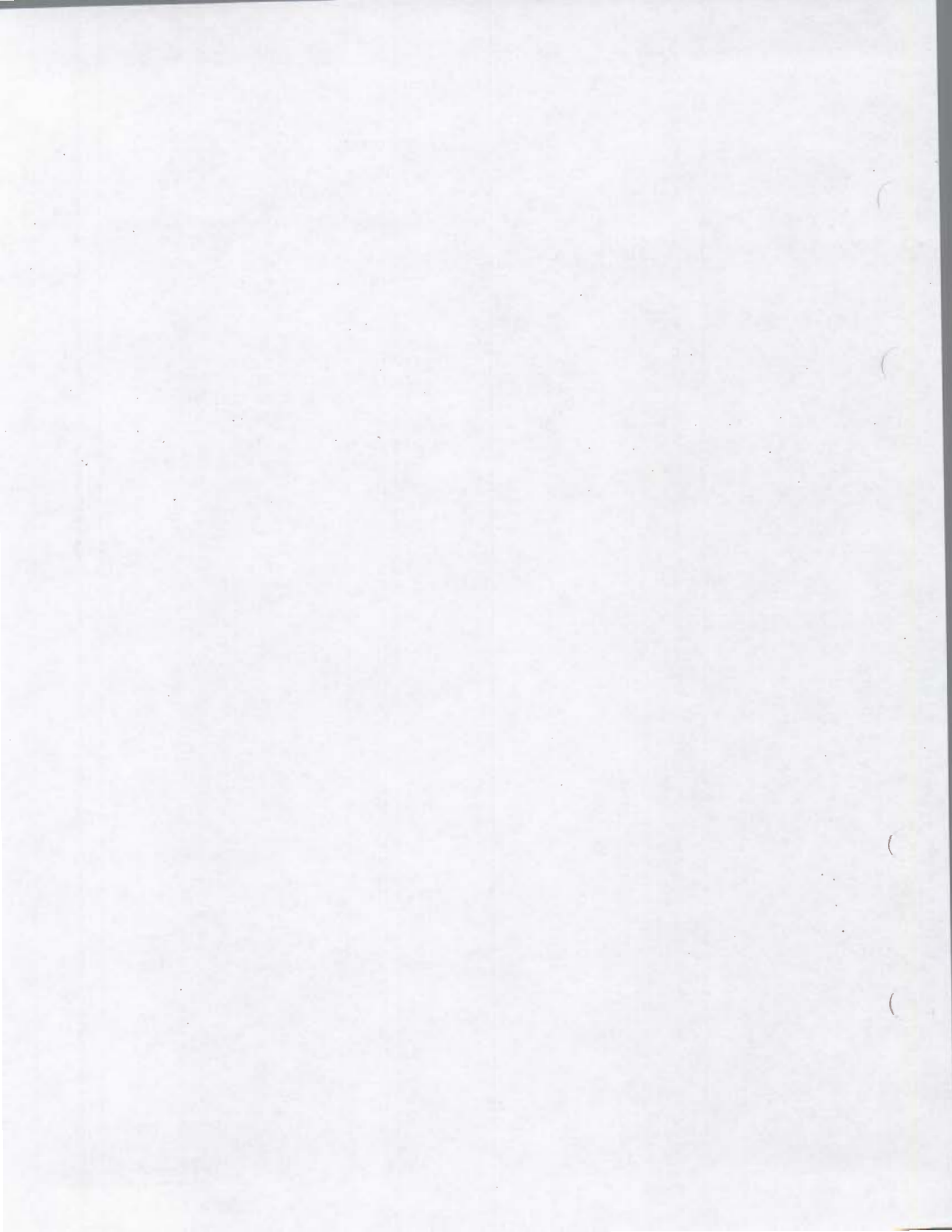
Cigarette License

7-3-1 Cigarette License

Sec. 7-3-1 Cigarette License.

- (a) **License Required.** No person, firm or corporation in the Village of Boyceville shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.
- (b) **Application for License; Fee.** Every person, firm or corporation desiring a license under this Section shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee of Five Dollars (\$5.00).
- (c) **Issuance and Term of License.** Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30th unless sooner revoked for any violation of this Section.

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



Chapter 4

Transient Merchants

7-4-1	Registration Required
7-4-2	Definitions
7-4-3	Exemptions
7-4-4	Registration
7-4-5	Investigation
7-4-6	Appeal
7-4-7	Regulation of Transient Merchants
7-4-8	Records
7-4-9	Revocation of Registration
7-4-10	Special Event Vending Permit

Sec. 7-4-1 Registration Required.

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

Sec. 7-4-2 Definitions.

In this Chapter:

- (a) **Transient Merchant.** Any individual who engages in the retail sale of merchandise at any place in this state temporarily, and who does not intend to become and does not become a permanent merchant of such place. The term shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the transient merchant for the retention of goods by a donor or prospective customer. For purposes of this Section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm, or the sale of produce or other perishable products at retail or wholesale by a resident of this state.
- (b) **Permanent Merchant.** Any person who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:

- (1) Has continuously operated an established place of business in the Village; or
- (2) Has continuously resided in the Village and now does business from his residence.
- (c) **Merchandise.** Personal property of any kind, and shall include merchandise, goods, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of merchandise by a donor or prospective customer.
- (d) **Charitable Organization.** Any benevolent, philanthropic, religious, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, including, for example, Boy Scouts, Girl Scouts, 4-H Clubs and school organizations.
- (e) **Clerk-Treasurer.** The Village of Boyceville Clerk-Treasurer or Deputy Clerk-Treasurer, or the Chief of Police.
- (f) **Person.** All humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

Sec. 7-4-3 Exemptions.

The following shall be exempt from all provisions of this Chapter:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling merchandise at wholesale to dealers in such merchandise;
- (c) Any person selling Wisconsin agricultural products which the person has grown;
- (d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this county and who delivers such merchandise in their regular course of business;
- (e) Any person who has an established place of business where the merchandise being sold or is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by, said person;
- (f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
- (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise;
- (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Village Clerk-Treasurer proof that such charitable organization is registered under Sec. 440.41, Wis. Stats. Any charitable organization engaging in the sale of merchandise and not registered under Sec. 440.41, Wis. Stats., or which is exempt from that statute's registration requirements, shall be required to register under this Chapter.

- (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Village Clerk-Treasurer that such person is a transient merchant, provided that there is submitted to the Village Clerk-Treasurer proof that such person has leased for at least one (1) year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this Village for at least one (1) year prior to the date complaint was made.
- (k) Any individual licensed by an examining board as defined in Sec. 15.01(7), Wis. Stats.
- (l) This Chapter does not apply to transient merchants while doing business at special events authorized by the Village Board.
- (m) Minors under eighteen (18) years of age who are residents of the Village.

Sec. 7-4-4 Registration.

- (a) **Registration Information.** Applicants for registration must complete and return to the Village Clerk-Treasurer a registration form furnished by the Clerk-Treasurer which shall require the following information:
 - (1) Name, permanent address and telephone number, and temporary address, if any;
 - (2) Height, weight, color of hair and eyes, and date of birth;
 - (3) Name, address and telephone number of the person, firm, association or corporation that the transient merchant 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 merchandise offered and any services offered;
 - (6) Proposed method of delivery of merchandise, if applicable;
 - (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his business;
 - (8) Last cities, villages, towns, not to exceed three (3), where applicant conducted similar business just prior to making this registration.
 - (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
 - (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.
- (b) **Identification and Certification.** Applicants shall present to the Village Clerk-Treasurer for examination:
 - (1) A driver's license or some other proof of identity as may be reasonably required;
 - (2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;

Transient Merchants

7-4-4

- (3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.
- (c) **Registration Fee.**
- (1) At the time of filing applications, a registration fee of Ten Dollars (\$10.00) shall be paid to the Village Clerk-Treasurer to cover the cost of investigation of the facts stated in the applications and for processing said registration. Every member of a group must file a separate registration form.
 - (2) The applicant shall sign a statement appointing the Village Clerk-Treasurer his agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.
 - (3) Upon payment of said fees and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a transient merchant and date the entry. Said registration shall be valid for a period of one (1) year from the date of entry, subject to subsequent refusal as provided in sec. 7-4-5(b) below.
- (d) **License; Fees.** Except as provided by Section 7-4-3, no person shall conduct any activity as transient merchant without a license. Every applicant for a license shall pay a license fee as follows:
- (1) **Annual License.** The fee for an annual license shall be Fifty Dollars (\$50.00), which shall be paid to the Village Clerk-Treasurer. Such license shall be for a calendar year and shall expire on December 31 following its issuance, provided however, that the fee shall be one-half (1/2) of the amount stipulated for a calendar if it is issued on or after July 1 of any year.
 - (2) **Daily License.** The daily license fee shall be Five Dollars (\$5.00) per day, which shall be paid to the Village Clerk-Treasurer. The license shall set forth the exact days on which such business may be carried out.
 - (3) No license shall be issued by the Village Clerk-Treasurer earlier than seventy-two (72) hours from the time of registration by the applicant.

SEC. 7-4-5 Investigation.

- (a) Upon receipt of each application, the Village Clerk-Treasurer shall refer it immediately to the Police Department for an investigation of the statements made in such registration, said investigation to be completed within five (5) days from the time of referral.
- (b) The Village Clerk-Treasurer shall refuse to register the applicant and issue a permit if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years,

the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

Sec. 7-4-6 Appeal.

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

Sec. 7-4-7 Regulation of Transient Merchants.

(a) Prohibited Practices.

- (1) A transient merchant shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers," "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (2) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any merchandise offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of merchandise 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 merchandise.
- (3) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (4) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred (100) foot radius of the source.
- (5) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he is conducting business.

(b) Disclosure Requirements.

- (1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his name, the name of the company or organization he is affiliated with, if any, and the identity of merchandise or services he offers to sell.

- (2) If any sale of merchandise is made by a transient merchant or any sales order for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than Twenty-five Dollars (\$25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.
- (3) If the transient merchant takes a sales order for the later delivery of merchandise, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance, whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

Sec. 7-4-8 Records.

The Police Department shall report to the Clerk-Treasurer all convictions for violations of this Chapter and the Clerk-Treasurer shall note any such violation on the record of the registrant convicted.

Sec. 7-4-9 Revocation of Registration.

- (a) Registration may be revoked by the Village Board after notice and hearing if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this Chapter or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.
- (b) Written notice of the hearing shall be served personally or pursuant to Section 7-4-4(c) on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

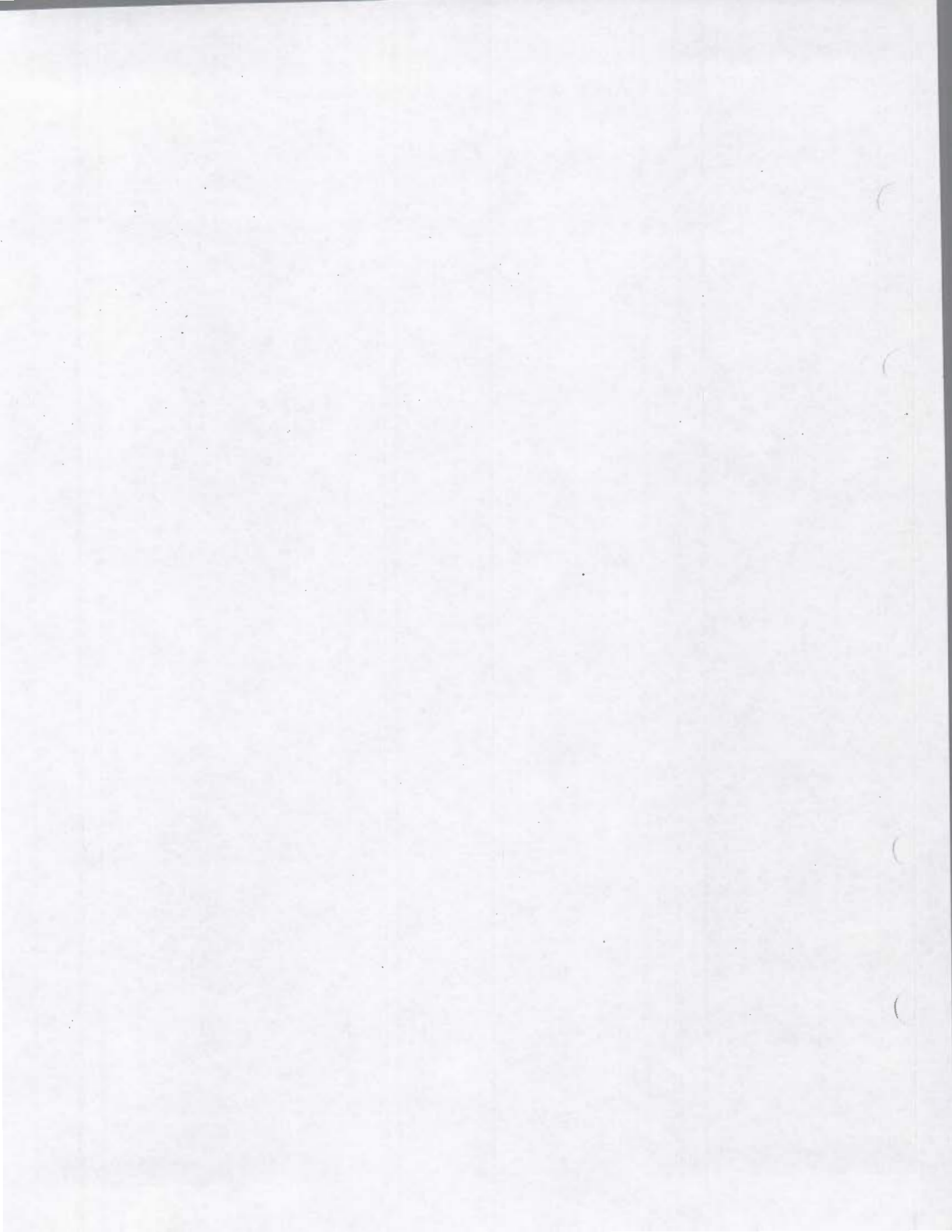
Sec. 7-4-10 Special Event Vending Permit.

- (a) **Permit Required.** There shall be a Five Dollar (\$5.00) per day charge for a special event vending permit. The Village Board will determine whether the applicant qualifies for a special event vending permit. The permit shall set forth the exact dates on which and the

exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. In addition, the vendor shall have adequate liability insurance in force as required by this Section.

(b) **Exclusive Vending Rights During Special Events.**

- (1) During a special event the Village Board may by resolution and after public hearing suspend specifically enumerated restrictions on transient merchants on any street, alley, sidewalk or public square and public park. Alternative rules and procedures may be established by the Village Board for the special event.
- (2) To encourage the integrity, comprehensiveness and success of a special event taking place on any street, alley, sidewalk, public square or public park, the Village Board may by resolution and after public hearing reserve up to ten (10) days during any vending year when transient merchant permits will not be valid at a particular location and when some or all categories of transient merchant permits will not be valid in the perimeter of the special event. During any special event, the rules, guidelines and procedures as set forth in the resolution approved by the Village Board shall take precedence.
- (3) For each such specific day during which certain or all vending permits have been declared to be not valid, the Village Board may by separate resolution and after public hearing, authorize the sponsor of a special event to select vendors, salespersons and vending sites for the duration of the special event within its perimeter. The event's sponsor shall contact the Village Board at least one (1) week before the public hearing with an outline of the rules, regulations, fees, areas affected and a proposed resolution for exclusive vending rights. The determinations of the Village Board as to any specific day during which a transient merchant permit will not be valid shall be by resolution adopted at least four (4) weeks in advance of such specific day. Transient merchant permits shall be subject to invalidation for up to ten (10) days each vending year of any one (1) location as provided in this subdivision.
- (4) No person holding a transient merchant permit may sell or offer for sale any goods or foods during a special event when his/her license is not valid unless authorized by the sponsor of the special event as specified above.



Chapter 5

Mobile Homes

7-5-1 Monthly Parking Fee; Limitations on Parking

Sec. 7-5-1 Monthly Parking Fee; Limitations on Parking.

- (a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Boyceville a monthly parking fee as determined in accordance with Sec. 66.058(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Village Clerk-Treasurer such parking permit fees on or before the 10th day of the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the Village Clerk-Treasurer may reasonably promulgate.
- (1) Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the Village Clerk-Treasurer and Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Village Clerk-Treasurer in accordance with Sec. 66.058(3)(c) and (e) of the Wisconsin Statutes.
 - (2) Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Village Clerk-Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied nonexempt mobile home therein and to remit such fees to the Village Clerk-Treasurer as provided in Subsection (a).
- (b) Owners of nonexempt, occupied mobile homes, upon receipt of notice from the Village Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Village Clerk-Treasurer a cash deposit of Twenty-five Dollars (\$25.00) to guarantee payment of such fees when due to the Village. It shall be the full and complete responsibility of the licensees of a mobile home park to collect such cash deposits from each occupied, nonexempt mobile home therein and to remit such deposits to the Village Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the nonexempt, occupied mobile home has been or is about to be removed from the Village, the Village Clerk-Treasurer shall apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

- (c) It shall be unlawful for any person to park any mobile home in the Village of Boyceville at any site other than a licensed mobile home park.

State Law Reference: Sec. 66.058 and 70.111(19) Wis. Stats.

Chapter 6

Regulation and Licensing of Fireworks

7-6-1 Regulation of Fireworks

Sec. 7-6-1 Regulation of Fireworks.

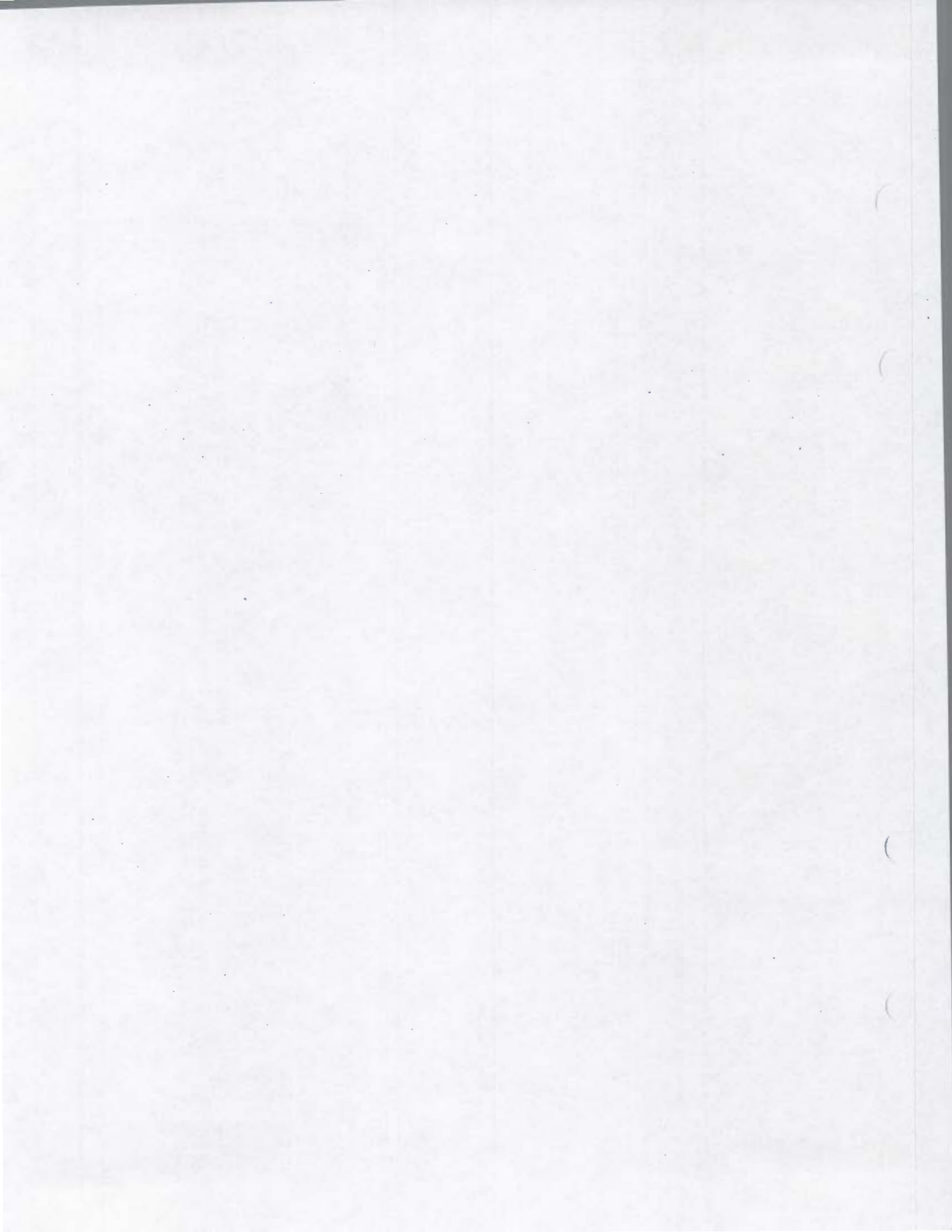
- (a) **Definition.** In this Section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (1) Fuel or a lubricant.
 - (2) A firearm cartridge or shotgun shell.
 - (3) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (4) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (5) A cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (6) A toy snake which contains no mercury.
 - (7) A model rocket engine.
 - (8) Tobacco and a tobacco product.
 - (9) A sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - (10) A device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) grain of explosive mixture.
 - (11) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight.
 - (12) A device that emits smoke with no external flame and does not leave the ground.
 - (13) A cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
 - (14) A cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on the ground and emit only sparks and smoke.

- (b) **Sale.** No person may sell or possess with intent to sell fireworks, except:
- (1) To a person holding a permit under Subsection (c)(3);
 - (2) To a municipality; or
 - (3) For a purpose specified under Subsection (c)(2)b-f.
- (c) **Use.**
- (1) **Permit Required.** No person may possess or use fireworks without a user's permit from the Village President or from an official or employee of the Village as designated by the Village Board. No person may use fireworks or a device listed under Subsection (a)(5)-(7) and (9)-(14) while attending a fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3)a-e or under Subparagraph (c)(3)f if the display is open to the general public.
 - (2) **Permit Exceptions.** Subparagraph (c)(1) above does not apply to:
 - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
 - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
 - d. The possession or use of explosive or combustible materials in any manufacturing process.
 - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - (3) **Who May Obtain Permit.** A permit under this Subsection may be issued only to the following:
 - a. A public authority.
 - b. A fair association.
 - c. An amusement park.
 - d. A park board.
 - e. A civic organization.
 - f. A group of resident or nonresident individuals.
 - g. An agricultural producer for the protection of crops from predatory birds or animals.
 - (4) **Crop Protection Signs.** A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
 - (5) **Bond.** The Village President issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or

policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the officer of the Village.

- (6) **Required Information for Permit.** A permit under this Subsection shall specify all of the following:
 - a. The name and address of the permit holder.
 - b. The date on and after which fireworks may be purchased.
 - c. The kind and quantity of fireworks which may be purchased.
 - d. The date and location of permitted use.
 - e. Other special conditions prescribed by ordinance.
 - (7) **Copy of Permit.** A copy of a permit under this Subsection shall be given to the Fire Chief and Chief of Police at least two (2) days before the date of authorized use.
 - (8) **Minors Prohibited.** A permit under this Subsection may not be issued to a minor.
- (d) **Storage and Handling.**
- (1) **Fire Extinguishers Required.** No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
 - (2) **Smoking Prohibited.** No person may smoke where fireworks are stored or handled.
 - (3) **Fire Chief to be Notified.** A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
 - (4) **Storage Distance.** No wholesaler, dealer or jobber may store fireworks within five hundred (500) feet of a dwelling.
 - (5) **Restrictions on Storage.** No person may store fireworks within five hundred (500) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) **Parental Liability.** A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

State Law Reference: Sec. 167.10, Wis. Stats.



Chapter 7

Street Use Permits

7-7-1 Street Use Permits

Sec. 7-7-1 Street Use Permits.

- (a) **Purpose.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Village Clerk-Treasurer may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **Application.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Chief of Police and shall be filed with the Chief of Police. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
 - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
 - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
 - (4) The date and duration of time for which the requested use of the street is proposed to occur.
 - (5) An accurate description of that portion of the street proposed to be used.
 - (6) The approximate number of persons for whom use of the proposed street area is requested.
 - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall personally apply to the Chief of Police to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **Denial of Street Use Permit.** An application for a Street Use Permit may be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
 - (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.

- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
 - (4) The application for a Street Use Permit does not contain the information required above.
 - (5) The application requests a period for the use of the street in excess of five (5) days.
 - (6) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Chief of Police may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.
- (e) **Insurance.** The applicant for a Street Use Permit may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Boyceville. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (f) **Termination of a Street Use Permit.** A Street Use Permit for an event in progress may be terminated by the Village President or a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Boyceville. The Village President or a law enforcement officer has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

Chapter 8

Regulation of Nonmetallic Mining

7-8-1	Statutory Provisions Adopted
7-8-2	Definitions
7-8-3	Existing Nonmetallic Mining Operations
7-8-4	Exempt Activities
7-8-5	Permit Required for Nonmetallic Mining
7-8-6	Permit Revocation
7-8-7	Blasting and/or Rock Crushing

Sec. 7-8-1 Statutory Provisions Adopted.

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

Sec. 7-8-2 Definitions.

As used in this Chapter:

- (a) **Environmental Pollution.** Has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) **Nonmetallic Mining or Nonmetallic Mining Operation.** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) **Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) **Nonmetallic Mining Site or Site.** The location where a nonmetallic mining operation is proposed or conducted, including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited

and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

- (e) **Operator.** Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) **Reclamation.** The rehabilitation of a nonmetallic mining site including, but not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.
- (g) **Replacement of Topsoil.** The replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

Sec. 7-8-3 Existing Nonmetallic Mining Operations.

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

Sec. 7-8-4 Exempt Activities.

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

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

or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

Sec. 7-8-5 Permit Required for Nonmetallic Mining.

- (a) **Permit Required.** No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be Fifty Dollars (\$50.00), plus any actual Village administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) **Required Permit Information.** An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
- (1) An adequate description of the operation, including a legal description of the property;
 - (2) A plan of the site showing the proposed and existing roads and drives, and the sources, quantity and disposition of water to be used, if any;
 - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;
 - (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
 - (5) Methods of screening from adjacent properties;
 - (6) Hours of operation;
 - (7) Dust and noise control;
 - (8) Maximum depth;
 - (9) Blasting procedures;
 - (10) Location and height of stockpiles; and
 - (11) Such other information the Village Board deems pertinent to the operation.
- (c) **Reclamation Plan.** The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
 - (2) Excavations below the grade of the nearest abutting public street or highway shall be set back from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
 - (3) Excavations made to a water-producing depth shall be not less than three (3) feet measured from the low water mark;
 - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
 - (5) The plan shall require that, after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
 - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.

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

property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.

- (h) **Prohibitions and Orders.** Nonmetallic mining operations within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

Sec. 7-8-6 Permit Revocation.

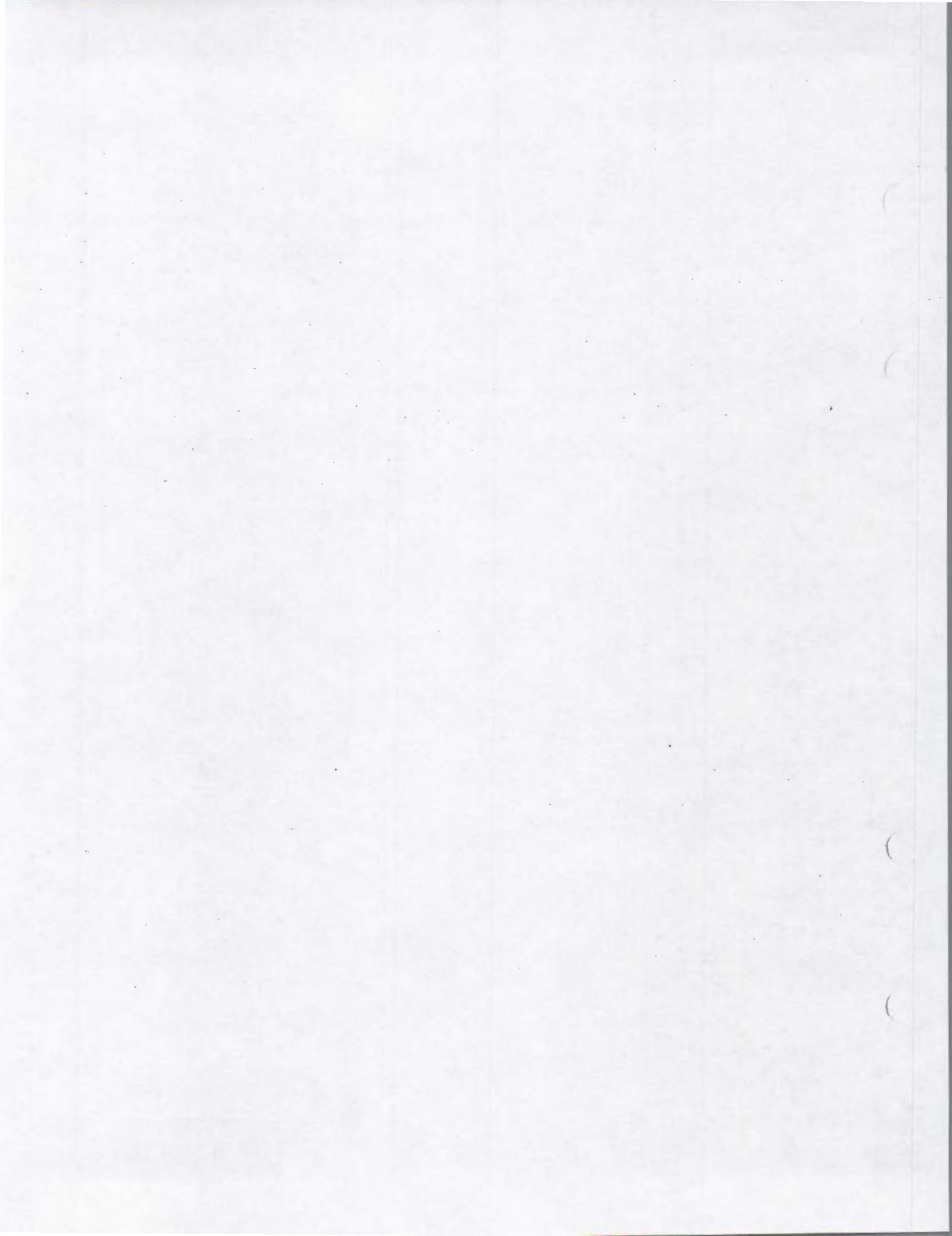
If any permit is revoked, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Village Board.

Sec. 7-8-7 Blasting and/or Rock Crushing.

- (a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this Section:
- (1) **Blasting.** A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.
 - (2) **Person.** Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
 - (3) **Rock Crusher.** Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.
- (b) **Operation.** No person within the Village shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the Village. All blasting within the Village shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.
- (c) **Permit.**
- (1) **Permit Required.** No person within the Village shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the Village.
 - (2) **Applications.** All applications for permits hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk-Treasurer. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk-Treasurer at least sixty (60) days prior to the licensing period. The Village Clerk-Treasurer shall immediately refer all applications for permits hereunder to the Village Engineer. The Village Clerk-Treasurer shall issue

- a permit hereunder only after first receiving the recommendation of the Village Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the Village Engineer.
- (3) **Certified Check.** Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the Village.
- (4) **Plan of Operation.** Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the Village Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the Village Engineer.
- (5) **Insurance.** Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the Village of Boyceville as a party insured in the amount of Five Hundred Thousand Dollars (\$500,000.00) for damage to property, and Five Hundred Thousand Dollars (\$500,000.00) for injury to one (1) person and One Million Dollars (\$1,000,000.00) for injury to more than one (1) person caused by the blasting.
- (d) **Renewals.** All requests for renewals of permits hereunder shall be made at least sixty (60) days prior to the expiration date of the permit and must comply with all requirements of Subsection (c) above.
- (e) **Blasting Procedures and Controls.**
- (1) **Energy Ratio.** The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35" per second based on the following formula:
- Energy ratio = 0.5 = 10.823 f²A² where: f = frequency in cycles per second,
A = amplitude or displacement in inches
- Energy ratio = .274 V² (V = resultant particles velocity expressed in inches per second)
- (2) **Measurement of Blasts.** The operator of the quarry operation, when requested to do so by the Village Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the Village Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the Village or by the Village Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.

- (3) **Blasting Log.** A log in duplicate shall be kept of each blast on forms similar to the one on file with the Village Clerk-Treasurer. The original copy of this blasting log shall be filed with the Clerk-Treasurer within forty-eight (48) hours after the blast, and a copy shall be kept on file at the quarry office.
- (4) **Cover Material.** Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot (1') of dirt or other suitable cover material.
- (f) **Permit Fee.** The permit fee for any permit issued pursuant to this Section shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:
 - (1) Quarries using blasting to supply buildings and/or ornamental stone: Ten Dollars (\$10.00) per blasting period.
 - (2) Gravel crushing operations using portable or fixed crushing equipment less than thirty (30) days per year: Ten Dollars (\$10.00) per year.
- (g) **Penalty.** Any person who shall violate any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. However, upon conviction for the violation of any of the provisions of this Section by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.
- (h) **Enforcement.** Before renewal of any license issued under this Section is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Village Board.



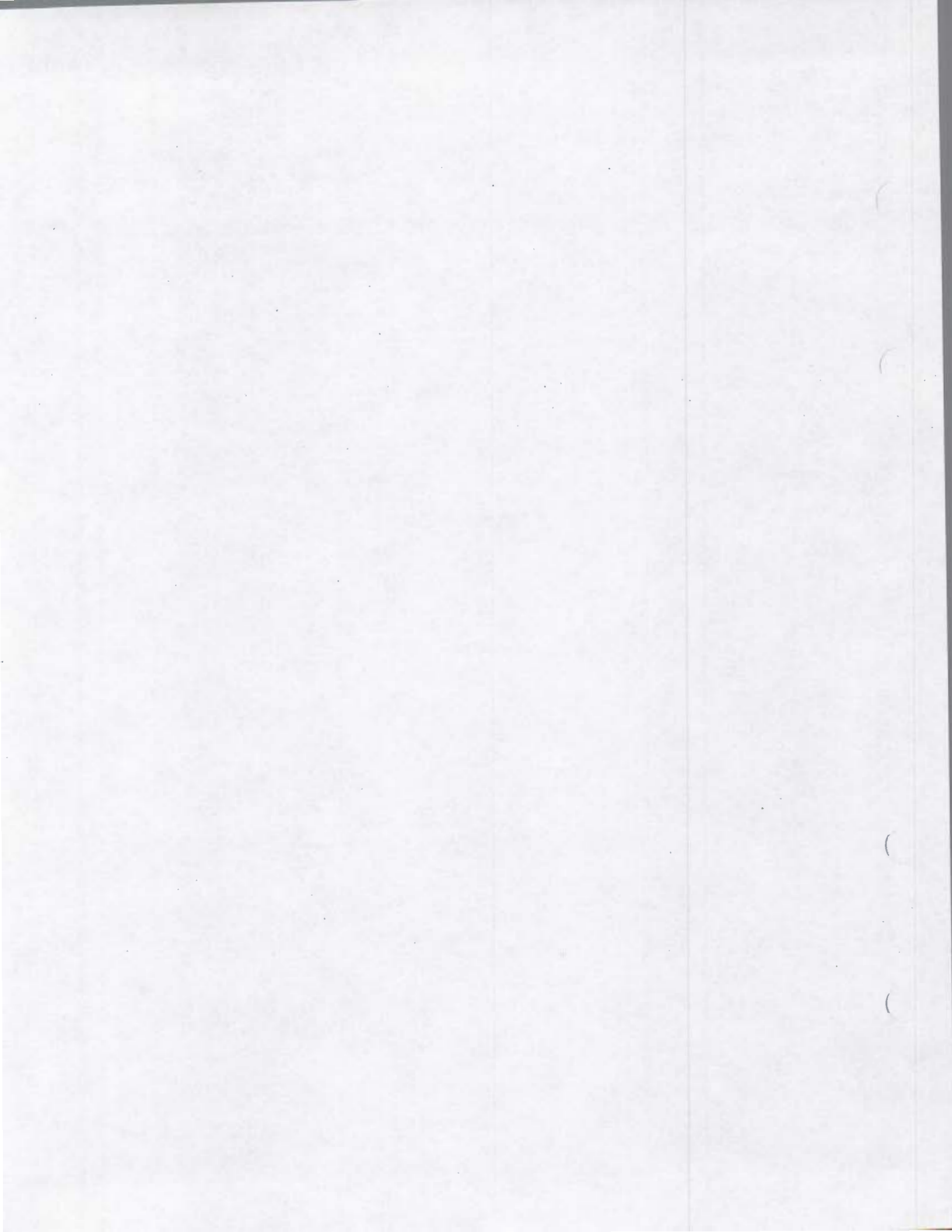
Chapter 9

Pool Halls; Coin Operated Machines

7-9-1 Pool and Billiard Halls; Coin Operated Machines

Sec. 7-9-1 Pool and Billiard Halls; Coin Operated Machines.

- (a) **License Required.** No person shall keep for gain any pool or billiard table or coin operated machines within the Village without first obtaining a license therefor as provided in this Section.
- (b) **License Fee.** The fee for such license shall be Ten Dollars (\$10.00) per year for each table or coin operated amusement machine.
- (c) **Issuance of License.** Licenses for pool or billiard tables or coin operated machines shall be granted by the Village Board and signed by the Village President and Clerk-Treasurer and shall state the name of the licensee and the place where such tables are to be operated and the expiration date thereof. No license shall be issued to any person who is not of good moral character nor to any person who has been convicted of a violation of any of the provisions of this Section within one (1) year prior to application for such license or a renewal thereof.
- (d) **Expiration; Partial Fees.** Licenses granted under this Section shall expire on June 30 of each year. Licenses may be issued for one quarter (1/4), one-half (1/2) or three-quarters (3/4) of the license year for one quarter (1/4), one-half (1/2) or three-quarters (3/4) of the annual fee respectively.
- (e) **Hours Restricted.** No owner or keeper of any place where any pool or billiard table is kept for gain shall remain open for business between the hours of 12:00 midnight and 7:00 a.m. weekdays or shall open before 1:00 p.m. on Sundays.
- (f) **Disorderly Conduct and Indecent Language.** No licensee hereunder shall permit any boisterous or indecent language, obscene literature or device or any disorderly conduct upon the licensed premises.
- (g) **Forfeiture of License.** Any license issued under this Section shall automatically stand revoked upon conviction of the holder of violation of any of the provisions hereof, and he shall not be entitled to another such license for a period of one (1) year from the time of forfeiture.



Chapter 10

Licenses to Pay Local Claims; Appellate Procedures

- 7-10-1** Licenses Required to Pay Local Taxes, Assessments
and Claims; Appellate Procedures
- 7-10-2** Issuance of Licenses

Sec. 7-10-1 Licenses Required to Pay Local Taxes, Assessments and Claims.

- (a) **Nonpayment of Taxes or Forfeitures.** The Village shall not issue or renew any license to transact any business within the Village of Boyceville:
- (1) For any purposes for which taxes, assessments or other claims of the Village are delinquent and unpaid.
 - (2) For any person who is delinquent in payment:
 - a. Of any taxes, assessments or other claims owed the Village; or
 - b. Of any forfeiture resulting from a violation of any Village Ordinance.
- (b) **Applicability.** This Section shall apply to licenses issued pursuant to the provisions of Title 7 of this Code of Ordinances, except Chapters 1
- (c) **Denial of Renewal.** An application for renewal of a license subject to this Chapter shall be denied pursuant to the provisions of Subsection (a) only following notice and opportunity for hearing as provided by Subsection (d) below.
- (d) **Hearing.** Prior to any denial of an application for renewal of a license, including denials pursuant to Subsection (a), the applicant shall be given notice and opportunity for a hearing as hereinafter provided:
- (1) With respect to licenses renewable under Chapter 2 of Title 7 of this Code of Ordinances, notice and opportunity for hearing shall be as provided by Sec. 125.12, Wis. Stats., as amended from time to time.
 - (2) With respect to licenses other than those described in Subsection (a) herein, the Village Board or its assignee shall notify the applicant in writing of the Village's intention not to renew the license and shall provide the applicant with an opportunity for hearing. The notice shall state the reasons for the intended action and shall establish a date, not less than three (3) days nor more than ten (10) days after the date

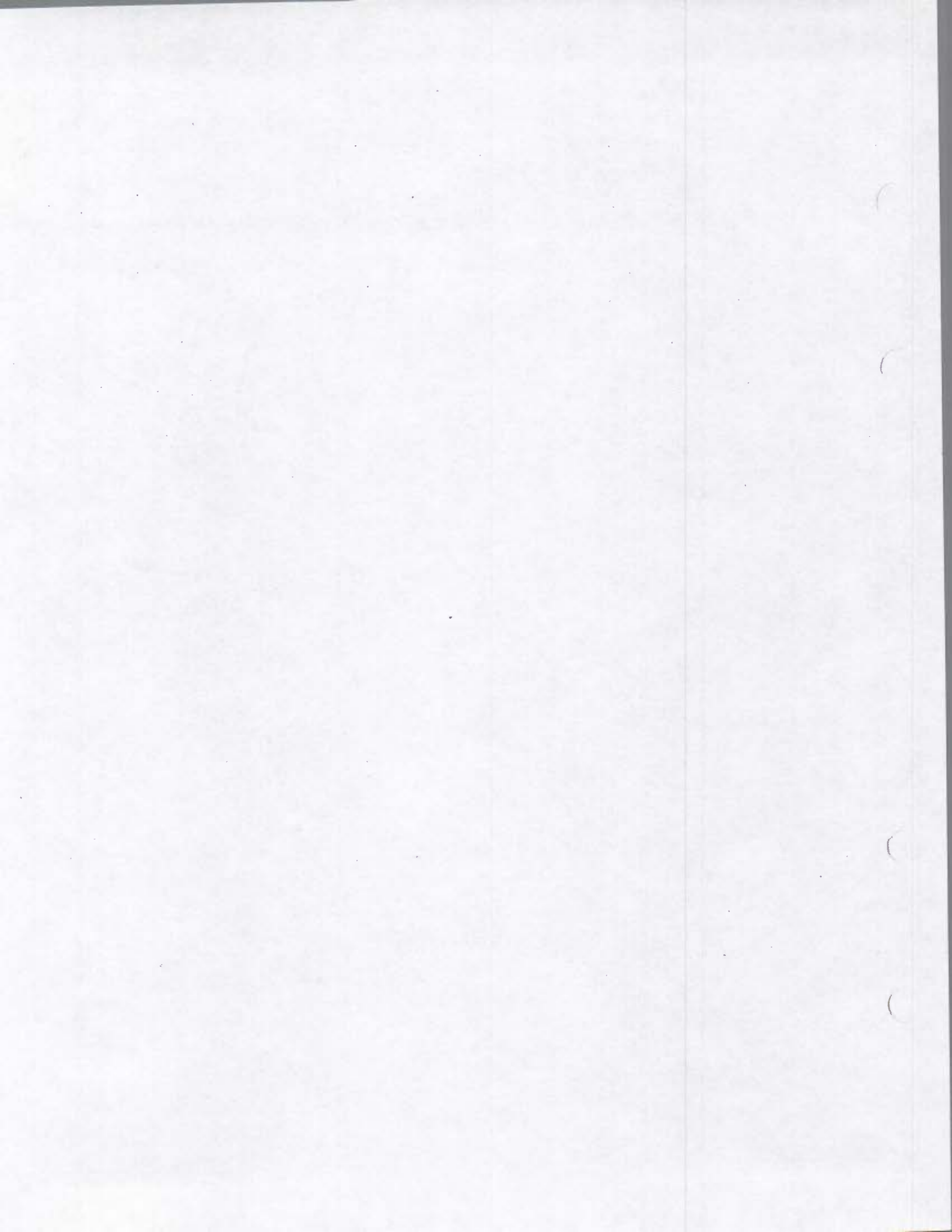
of the notice on which the applicant shall appear before the Village Board. If the applicant shall fail to appear before the Board on the date indicated on the notice, the Board shall deny the application for renewal. If the applicant appears before the Board on the date indicated in the notice and denies that the reasons for nonrenewal exist, the Village Board shall conduct a hearing with respect to the matter. At the hearing, both the Village and the applicant may produce witnesses, cross examine witnesses and be represented by counsel. The applicant shall, upon request, be provided a written transcript of the hearing at the applicant's expense. If the Village Board determines the applicant shall not be entitled to renewal pursuant to Subsection (a), the application for renewal shall be denied.

- (e) **Other Grounds for Hearing.** Where an individual, business or corporation wishes to appeal the Village Clerk-Treasurer's decision not to issue a license or permit under this Title on grounds other than those specified in Subsections (a) through (d) above, the applicant may file a request in writing with the Village Clerk-Treasurer that the matter be referred to the Village Board. A public hearing shall be scheduled within fourteen (14) calendar days by the Village Board. All parties may be represented by counsel. The Board shall consider all relevant information and shall render a decision which shall be binding.

Sec. 7-10-2 Issuance of Licenses.

- (a) **Application.** Applications for licenses under this Title shall be made to the Village Clerk-Treasurer on a form furnished by the Village. Such application shall contain such information as may be required by the provisions of this Chapter or as may be otherwise required by the Village Board.
- (b) **Payment of License Fee.** License fees imposed under this Title shall accompany the license application. If a license is granted, the Village Clerk-Treasurer shall issue the applicant a receipt for his license fee.
- (c) **Refund of License Fee.** No fee paid shall be refunded unless the license is denied.
- (d) **Terms of Licenses.** All licenses issued hereunder shall expire on June 30, in the year of issuance unless issued for a shorter term, when they shall expire on midnight of the last effective day of the license, or unless otherwise provided by these Ordinances or State laws.
- (e) **Form of License.** All licenses issued hereunder shall show the date of issue, the activity licensed, and the term of the license, and shall be signed by the Village Clerk-Treasurer and be impressed with the Village Seal, if any.
- (f) **Record of Licenses.** The Village Clerk-Treasurer shall keep a record of all licenses issued.
- (g) **Display of Licenses.** All licenses hereunder shall be displayed upon the premises or vehicle for which issued, or if carried on the person shall be displayed to any officer of the Village upon request.

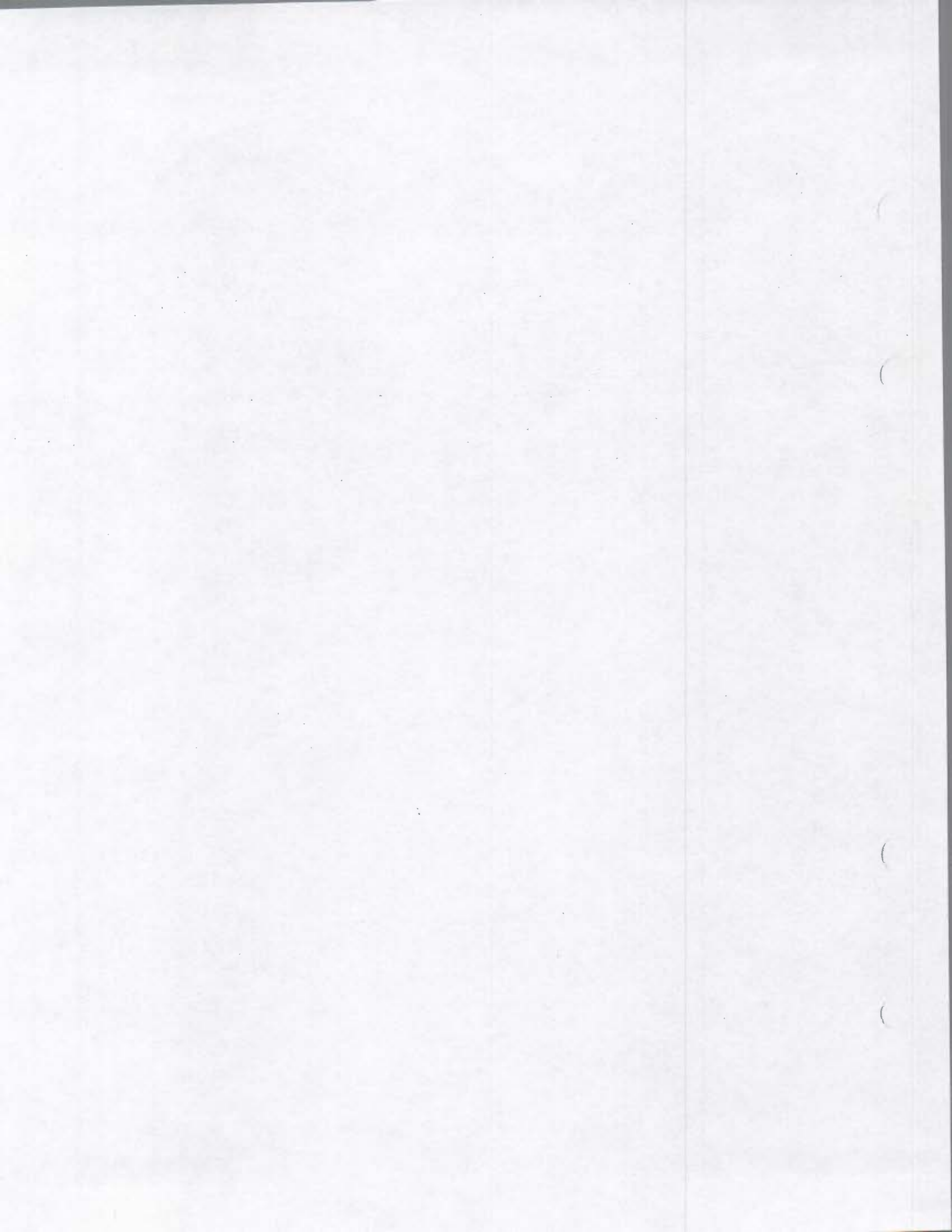
- (h) **Compliance With Ordinances Required.** It shall be a condition of holding a license under this Title that the Licensee comply with all ordinances of the Village. Failure to do so shall be cause for revocation of the license.
- (i) **Transfer of Licenses.** All licenses issued hereunder shall be personal to whom issued and shall not be transferred except with the consent of the Board.
- (j) **Consent to Inspection.** An applicant for a license under this Chapter thereby consents to the entry of police or authorized representatives of the Village upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this Title all things found therein in violation of this Chapter or State law.



TITLE 8

Health and Sanitation

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| Chapter 1 | Health and Sanitation |
| Chapter 2 | Pollution Abatement |



Chapter 1

Health and Sanitation

8-1-1	Rules and Regulations
8-1-2	Health Nuisances; Abatement of
8-1-3	Deposit of Deleterious Substances Prohibited
8-1-4	Destruction of Noxious Weeds
8-1-5	Regulation of Natural Lawns
8-1-6	Regulation of Length of Lawn and Grasses
8-1-7	Compulsory Connection to Village Sewer and Water System
8-1-8	Unhealthy, Hazardous or Unsightly Materials on Public or Private Property
8-1-9	Rodent Control
8-1-10	Composting Regulations

Sec. 8-1-1 Rules and Regulations.

The Village Board, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this Chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Board shall be subject to the general penalty provided for in this Code.

Sec. 8-1-2 Health Nuisances; Abatement of.

- (a) **Defined.** A health nuisance is any source of filth or cause of sickness.
- (b) **Duty to Abate.** The Board of Health shall abate health nuisances pursuant to Sec. 146.14, Wis. Stats., which is adopted by reference and made a part of this Section.

State Law Reference: Sec. 146.14, Wis. Stats.

SEC. 8-1-3 Deposit of Deleterious Substances Prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

SEC. 8-1-4 Destruction of Noxious Weeds.

- (a) The Village Clerk-Treasurer shall annually on or before may 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- (b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to destroy all noxious weeds.
- (c) As provided for in Sec. 66.0407(1)(a), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of twelve (12) inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-6, shall include but not be limited to the following:

Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common Ragweed)
Ambrosia trifida (Great Ragweed)
Euphorbia esula (Leafy Spurge)
Convolvulus arvensis (Creeping Jenny)(Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (Bull Thistle)
Pastinaca sativa (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Cocklebur)
Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambsquarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago lanceolata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:

Agrostia alba (Redtop)
Sorghum halepense (Johnson)
Setaria (Foxtail)

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

Ragweed
Thistles
Smartweed
Dandelions (over 12 inches in height)
Milkweed (over 12 inches in height)

- (d) Each and every day that this Section is violated shall constitute a separate offense for which a forfeiture of \$75.00 may be imposed, commencing with the date of the notice given in (b) supra. Per day fines for a second or subsequent offense within six (6) months shall be doubled.
- (e) The provisions of Sec. 66.0407 Wis. Stats., are hereby adopted and made a part of this Section as if fully set forth.

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

SEC. 8-1-5 Regulation of Natural Lawns.

- (a) **Natural Lawns Defined.** Natural lawn as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-4 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.
- (b) **Natural Lawn Management Plan Defined.**
 - (1) Natural Lawn Management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed twelve (12) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.

- (2) Property owners who wish to plant and cultivate a natural lawn must submit their written plan and related information on the form provided by the Village. "Property Owner" shall be defined to include the legal title holder and/or the beneficial owner of any such lot according to most current Village records. Natural Lawn Management Plans shall only indicate the planting and cultivating of natural lawns on property legally owned by the property owner. Applicants are strictly prohibited from developing a natural lawn on any Village-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than ten (10) feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership. In addition, natural lawns shall not be permitted within ten (10) feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan.
- (3) Any subsequent property owner who abuts an approved natural lawn may revoke the waiver thereby requiring the owner of the natural lawn to remove the natural lawn that is located in the ten (10) foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the Village Clerk-Treasurer by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Village Board shall contact the owner of the approved natural lawn and direct the owner to remove the natural lawn located in the ten (10) foot section abutting the neighboring property owner. The Village Board shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved natural lawn shall be required to remove the ten (10) foot section abutting the neighboring property owner within twenty (20) days of receipt of the written notification from the Village provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the Village between November 1 and April 30 shall be required to remove the ten (10) foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

(c) **Application Process.**

- (1) Property owners interested in applying for permission to establish a natural lawn shall obtain and complete an application form available from the Village Clerk-Treasurer. The completed application shall include a Natural Lawn Management Plan. Upon submitting a completed application, a Twenty-five Dollar (\$25.00) non-refundable filing fee will be assessed by the Village. Upon receiving payment, copies of the completed application shall be mailed by the Village to each of the owners of record, as listed in the Office of the Village Assessor, who are owners of the property situated wholly or in part within three hundred (300) feet of the boundaries of the properties for which the application is made. If within fifteen (15) calendar days of mailing the copies of the complete application to the neighboring property owners the Village receives written objections from fifty-one percent (51%) or more of the neighboring property owners, the Village Clerk-Treasurer shall immediately deny the application.

Neighboring property owners shall be defined as all those property owners who are located within three hundred (300) feet of the proposed natural lawn site.

- (2) If the property owner's application is in full compliance with the Natural Lawn Management Plan requirements and less than fifty-one percent (51%) of the neighboring property owners provide written objections, the Village Clerk-Treasurer shall issue permission to install a natural lawn. Such permit shall be valid for two (2) years. Permit renewals shall follow the procedures in this Section.
- (d) **Application For Appeal.** The property owner may appeal the Clerk-Treasurer's decision to deny the natural lawn permit request to the Village Board at an open meeting. All applications for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.
- (e) **Safety Precautions For Natural Grass Areas.**
- (1) When, in the opinion of the Fire Chief of the Department serving the Village of Boyceville, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.
 - (2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn Management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural lawns shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural lawns, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural lawn shall produce evidence of property damage and liability insurance identifying the Village as a party insured. A minimum amount of acceptable insurance shall be Three Hundred Thousand Dollars (\$300,000.00).
- (f) **Revocation Of An Approved Natural Lawn Management Plan Permit.** The Village President, upon the recommendation of the Weed Commissioner, shall have the authority to revoke an approved Natural Lawn Management Plan Permit if the owner fails to maintain the natural lawn or comply with the provisions set forth in this Section. Notice of intent to revoke an approved Natural Lawn Management Plan Permit shall be appealable to the Village Board. All applications for appeal shall be submitted within fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Lawn Management Plan. Failure to file an application for appeal within the fifteen (15) calendar days shall result in the revoking of the Natural Lawn Management Plan Permit. All written applications for appeal filed within the fifteen (15) calendar day requirement

shall be reviewed by the Village Board in an open meeting. The decision rendered by the Village Board shall be final and binding.

(g) **Public Nuisance Defined — Abatement After Notice.**

- (1) The growth of a natural lawn as defined in this Section shall be considered a public nuisance unless a Natural Lawn Management Plan has been filed and approved and a permit is issued by the Village as set forth in this Section. Violators shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.
- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within ten (10) days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by State statute.
- (3) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this Section.

(h) **Penalty.**

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this Section shall be subject to the general penalty found in Section 1-1-6.
- (2) In addition to any penalties herein provided, the Village may issue stop work orders upon owners of lots where work is unfinished under a previously issued building permit for any violation of this Section.

Sec. 8-1-6 Regulation of Length of Lawn and Grasses.

- (a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Boyceville.
- (b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under the Village Zoning Code, within the Village of Boyceville which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to Section 8-1-5 above.

- (c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the Village.
- (d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) above exists.
- (e) Repealed - 4/11/2011

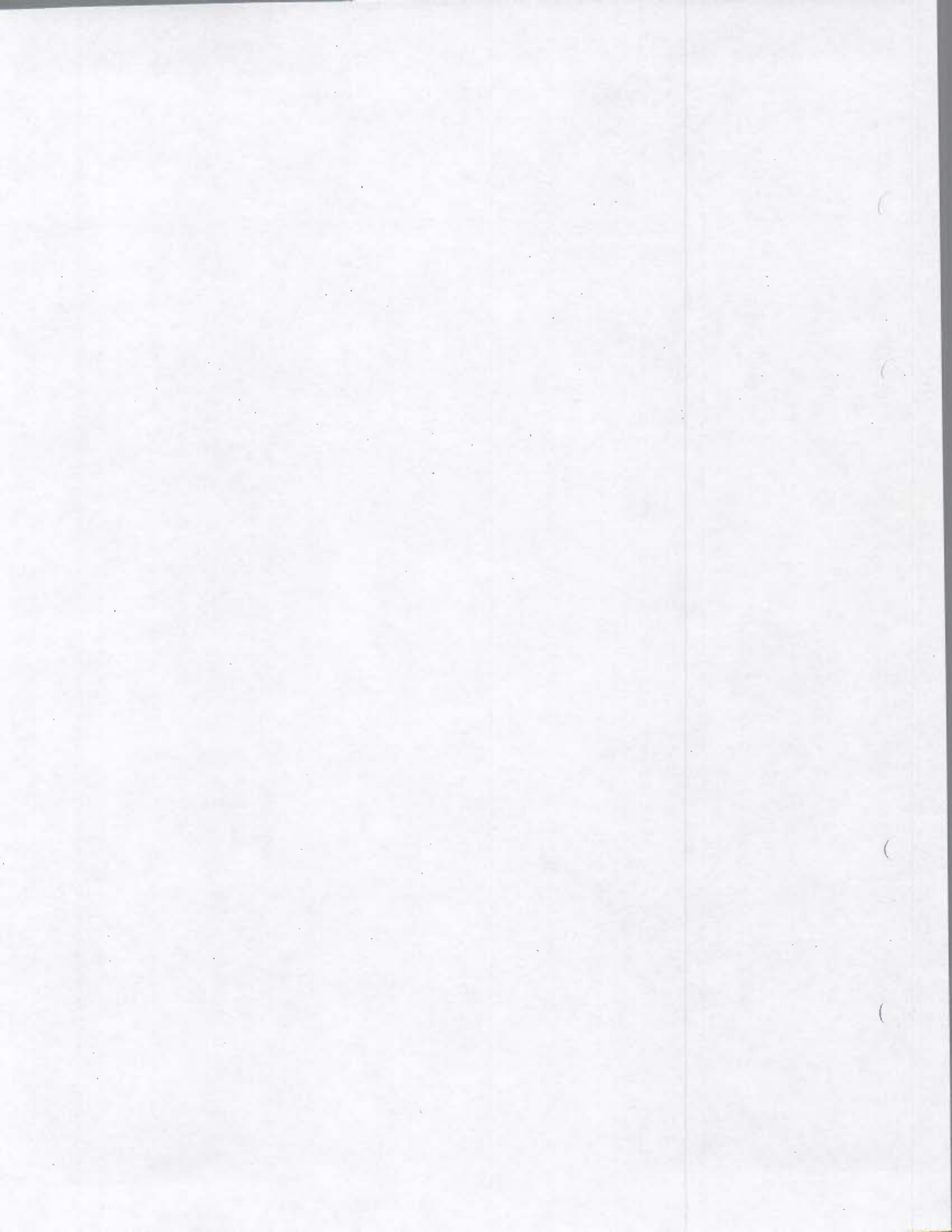
- (f) **Penalty.** Each and every day that this section is violated shall constitute a separate offense for which a forfeiture of seventy-five dollars (\$75.00) may be imposed, commencing with the date of the notice given in (e) supra. Per day fines for a second or subsequent offense within six (6) months shall be doubled.

Sec. 8-1-7 Compulsory Connection to Village Sewer and Water System.

- (a) Whenever public sewer or water service has become available to any building used for human habitation or human occupancy, the Village Board shall notify in writing the owner, agent or occupant thereof to connect such facilities thereto. If such persons to whom the notice has been given shall fail to comply for more than ten (10) days after notice, the Village Board shall cause the necessary connections to be made and the expenses thereof to be assessed as a special tax against the property pursuant to Section 144.06 of the Wisconsin Statutes.
- (b) The Village Board may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.
- (c) This Section is enacted pursuant to Section 144.06 of the Wisconsin Statutes.

Sec. 8-1-8 Unhealthy, Hazardous or Unsightly Materials on Public or Private Property.

- (a) **Inspections.** Whenever the Building Inspector, Fire Inspector or other authorized Village official shall, upon inspection of any premises within the Village of Boyceville find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish,



rubble, trash, abandoned, outmoded or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the Village of Boyceville in general, such official shall issue his written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things. Said written order shall provide that such removal shall be accomplished within ten (10) days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection (b).

- (b) **Appeal.** Any person feeling himself aggrieved by any order of a Village official under this Section may, within ten (10) days from the date of receipt of such order, appeal such order to the Village Board.
- (c) **Exceptions.** Nothing contained in this Section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
- (1) Lawfully sited pursuant to the Village Zoning Code and operated in a manner not constituting a nuisance; or
 - (2) Temporarily deposited due to an emergency; or
 - (3) Materials during construction; or
 - (4) Collected and piled for immediate pickup and disposal by the Village or by private means.
- (d) **Nonconforming Uses.** It shall not be a defense to the provisions of this Section that the owner or occupant of the premises involved has a nonconforming use under the provisions of the Village Zoning Code, but the provisions of this Section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

Sec. 8-1-9 Rodent Control.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Owner or Manager.** Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the Village, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this Section and shall be bound to comply with the provisions of this Section to the

same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

- (2) **A Rodent-Proof Container** shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.
 - (3) **Rodent-Proofing** shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the Village.
 - (4) **Rodent Harborage.** Any place where rodents can live and nest without fear of frequent molestation or disturbance.
 - (5) **Hardware Cloth.** Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.
- (b) **Elimination of Rodent Harborages.** Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- (c) **Elimination of Rodent-Feeding Places.** No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- (d) **Extermination.** Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the Village, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.
- (e) **Rodent-Proofing.** It shall be the duty of the owner or manager of any building in the Village of Boyceville to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with

hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

Sec. 8-1-10 Composting Regulations.

- (a) **Purpose and Intent.** The purpose of this Section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- (b) **Definitions.** "Composting" shall mean the organic waste produced from the growing, trimming, and removal of grass, branches [not exceeding one (1) inch in diameter] bushes, shrubs, plants, leaves and garden debris. Kitchen waste shall be any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.
- (c) **Maintenance.** All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet, and shall be no taller than forty-two (42) inches.
 - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the Village to proceed under Section 8-1-9.
 - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
 - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or City in general.
 - (5)
 - a. All compost bins shall be located not less than three (3) feet from a property line or principal building or dwelling and three (3) feet from any detached accessory building.
 - b. A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.
 - (6) No compost bin shall be located in any yard except a rear yard, as defined in the Village Zoning Code. A compost bin may be located in a side yard as defined in the Village Zoning Code subject to the annual variance procedure contained in Subsections (c)(5)b and must be screened from view to the street.
 - (7) Those composting bins which existed prior to the adoption of this Section shall be given one (1) year to comply with the requirements set forth herein.

(d) **Ingredients.**

(1) No compost bin shall contain any of the following:

- a. Lakeweeds;
- b. Cooked food scraps of any kind or type;
- c. Fish, meat or other animal products;
- d. Manures;
- e. Large items that will impede the composting process.

(2) Permitted ingredients in a compost bin shall include the following:

- a. Yard waste;
- b. Coffee grounds and used tea leaves;
- c. Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
- d. Commercial compost additives.

(e) **Owner Responsibility.** Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

Chapter 2

Pollution Abatement

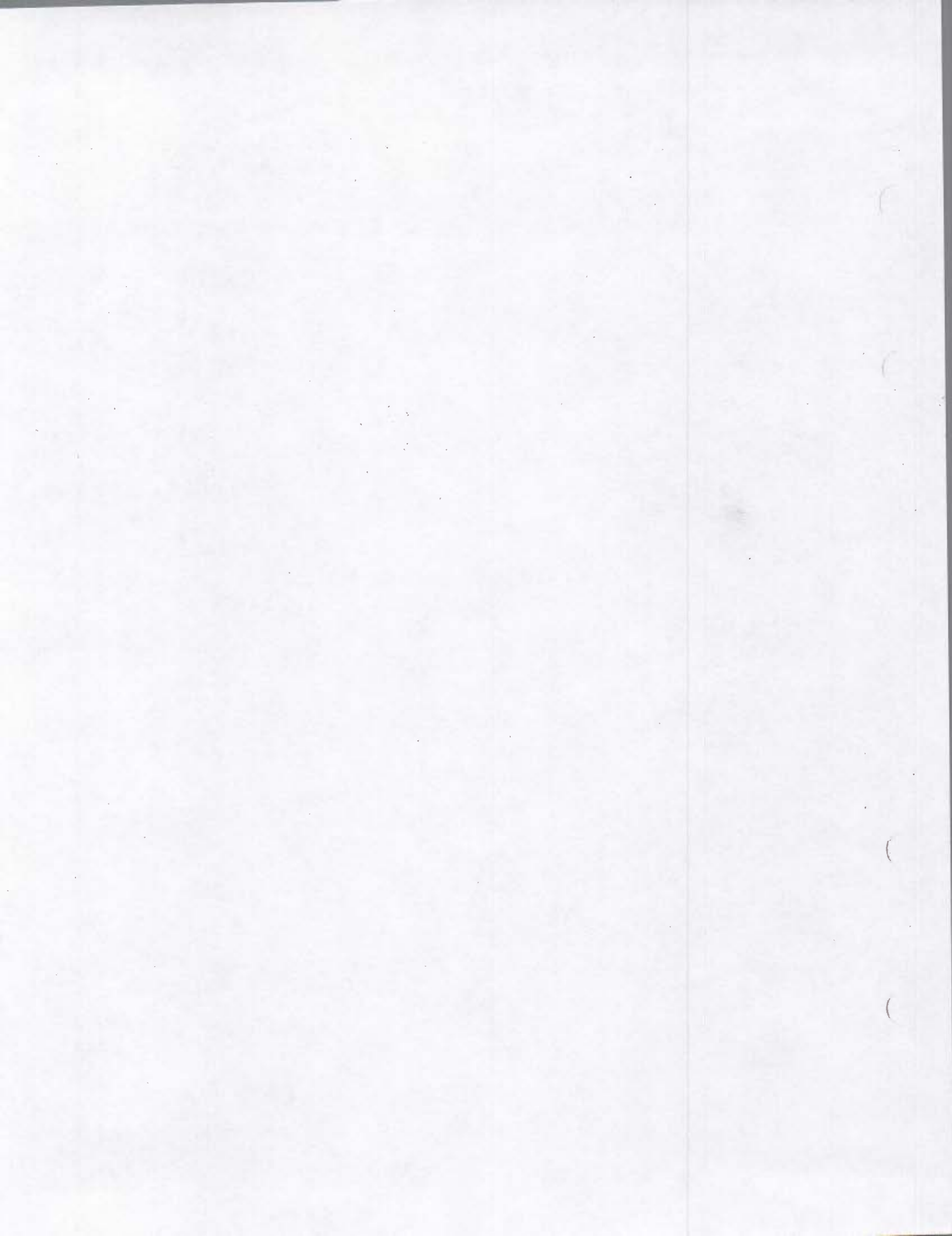
- 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
- 8-2-2 Storage of Polluting Substances

Sec. 8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes.

- (a) **Cleanup Required.** All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Village.
- (b) **Notification.** Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Village Clerk-Treasurer so that assistance can be given by the proper agency.
- (c) **Financial Liability.** The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Village, or its designated agent, in an effort to minimize the polluttional effects of the discharged waste.

Sec. 8-2-2 Storage of Polluting Substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainageway, lake or stream within the jurisdiction of the Village of Boyceville.

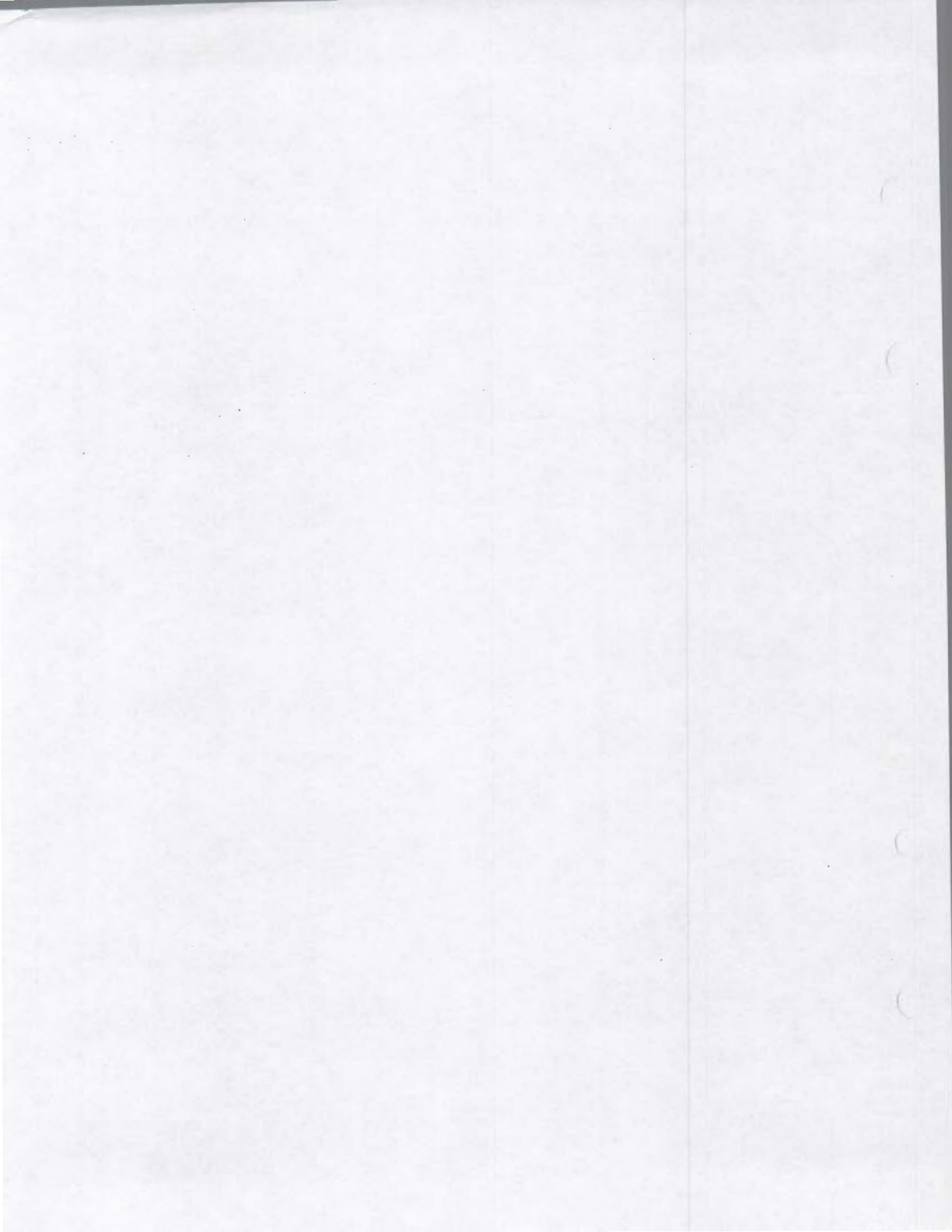


TITLE 9

Public Utilities

Chapter 1 Water Utility Regulations and Rates

Chapter 2 Sewer Utility Regulations and Rates



TITLE 9

Public Utilities

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| Chapter 1 | Water Utility Regulations and Rates |
| Chapter 2 | Sewer Utility Regulations and Rates |
| Chapter 3 | Cable Service |

Chapter 1

Water Utility Regulations and Rates

Article A

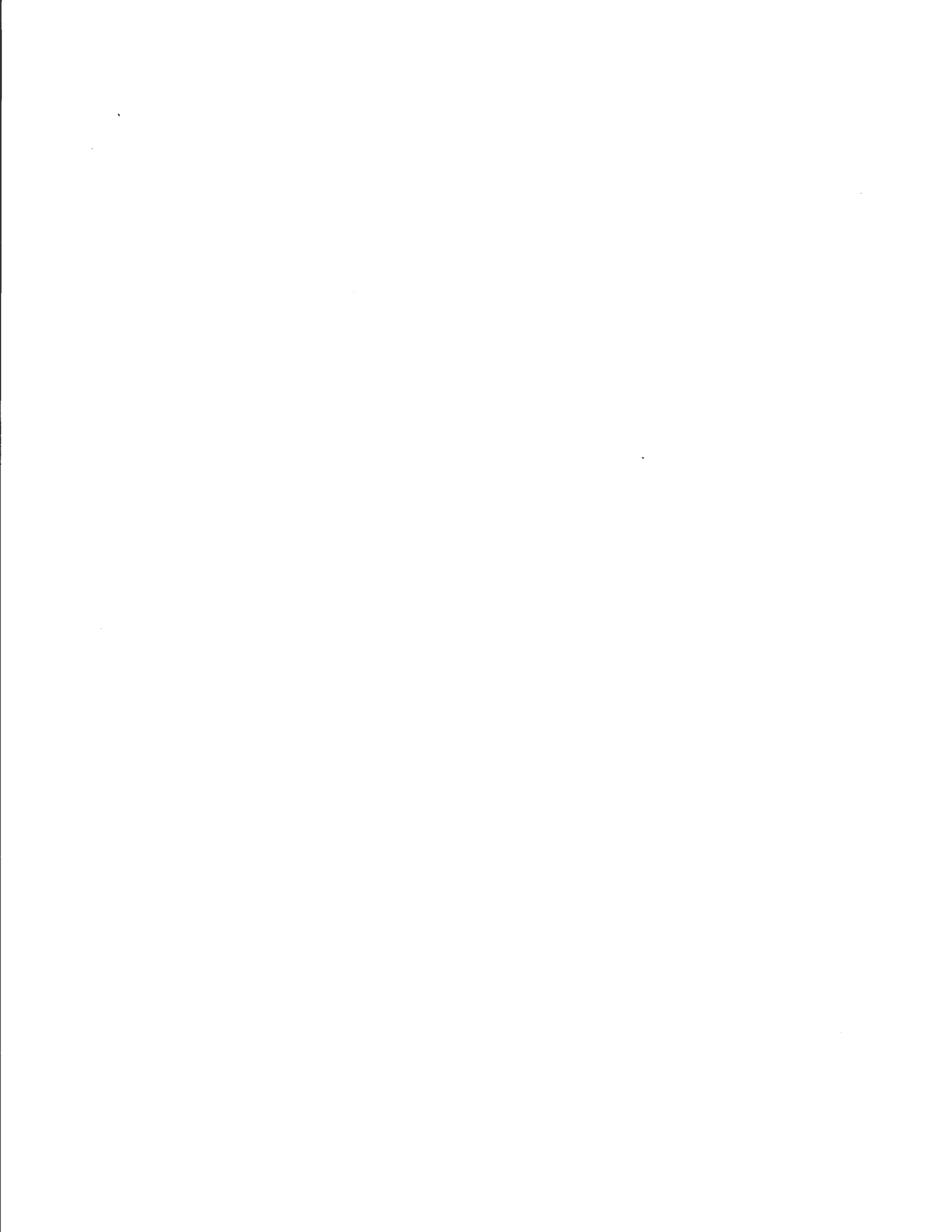
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- 9-1-2 Public Fire Protection—Suburban—F-2
- 9-1-3 General Service—Metered—Mg-1
- 9-1-4 General Service—Suburban—Mg-2
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Article A: Rates

Sec. 9-1-1 Public Fire Protection Service—F-1.

- (a) For public fire protection service to the Village of Boyceville, the annual charge shall be Twenty-seven Thousand Seven Hundred Ninety-two Dollars (\$27,792.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection.
- (b) For all extensions of fire protection service, a charge of Fifty-three Cents (53¢) per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of Ninety-four Dollars (\$94.00) net per hydrant added to the system after the base period.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
- (d) The above base annual charge of Twenty-seven Thousand Seven Hundred Ninety-two Dollars (\$27,792.00) includes an estimated forty-five thousand four hundred fifty-nine (45,459) feet of distribution main, four (4) inch and larger, and eighty-two (82) hydrants.
- (e) The annual public fire-protection charge shall never be less than the base amount.

Sec. 9-1-2 Public Fire Protection—Suburban—F-2.

- (a) Water used for extinguishing fires outside the immediate service area of the utility may consist of three (3) types of service:
 - (1) Water supplied to tank trucks from utility hydrants;
 - (2) Water supplied directly from hydrants located within the corporate limits, or on its borders, by means of hose lines; or,
 - (3) Water supplied to tank truck from any other utility water source.
- (b) A record of the measured or estimated volume of water used shall be submitted to the water utility after each use for fire protection outside the utility's immediate service area. If measuring or estimating is impossible, the water utility superintendent shall be furnished such data as size of orifice used, pressure and time water was permitted to flow, in order to determine volume used.
- (c) A charge for the volume of water used, for each fire either through a tank supply or from hydrants, will be billed to the township or fire department using water at One and 32/100 Dollar (\$1.32) per one thousand (1,000) gallons. A service charge, in addition to the water charge, shall be Twenty-five Dollars (\$25.00) per hydrant used.

Sec. 9-1-3 General Service—Metered—Mg-1.**(a) Quarterly Service Charge:**

5/8-inch meter -	\$ 12.60
3/4-inch meter -	\$ 12.60
1-inch meter -	\$ 18.90
1-1/4-inch meter -	\$ 22.20
1-1/2-inch meter -	\$ 26.10
2-inch meter -	\$ 42.00
3-inch meter -	\$ 81.00
4-inch meter -	\$ 132.00
6-inch meter -	\$ 258.00
8-inch meter -	\$ 411.00
10-inch meter -	\$ 477.00
12-inch meter -	\$ 627.00

(b) Plus Volume Charge:

First 30,000 gallons used each quarter -	\$ 1.32 per 1,000 gallons.
Next 170,000 gallons used each quarter -	\$ 1.10 per 1,000 gallons.
Over 200,000 gallons used each quarter -	\$.80 per 1,000 gallons.

(c) Billing. Bills for water service are rendered and become due and payable upon issuance following the period for which service is rendered. A late payment charge of three percent (3%) but not less than thirty cents (30¢) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge will be applied to the total unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code. A Fifteen Dollar (\$15.00) charge will be made for processing checks that have been returned for insufficient funds.

(d) Combined Metering.

(1) Volumetric meter readings will be combined for billing if the utility *for its own convenience* places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for utility convenience and shall not be combined for billing. Meter readings from individually metered separate service laterals shall *not* be combined for billing purposes.

- (2) Buildings used in the same business, located on the same parcel and serviced by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

Sec. 9-1-4 General Service—Suburban—Mg-2.

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

Sec. 9-1-5 General Water Service—Unmetered—Ug-1.

- (a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of Twenty-seven and 12/100 Dollars (\$27.12) per billing period. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of eleven thousand (11,000) gallons of water per billing period under Schedule Mg-1. If it is determined by the utility that usage is in excess of eleven thousand (11,000) gallons per billing period, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-6 Public Service—Mpa-1.

- (a) Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of One and 10/100 Dollars (\$1.10) per one thousand (1,000) gallons.

Sec. 9-1-7 Reconnection Charges—R-1.

	During Normal Business Hours
Reinstallation of meter, including valving at curb stop	\$ 35.00
Valve turned on at curb stop	\$ 15.00

NOTE: No charge for disconnection.

Sec. 9-1-8 Building and Construction Water Service—Mz-1.

- (a) For single-family and small commercial buildings, apply the unmetered rate, Schedule Ug-1.
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.

Sec. 9-1-9 Seasonal or Temporary Service—Mgt-1.

- (a) Seasonal customers* shall be served at the general service rate (Schedule Mg-1) except that each customer served under this rate shall pay an annual seasonal service charge equal to four (4) times the applicable service charge. Water use in any billing period shall be billed at the applicable volume schedule in Mg-1 and the charge added to the annual seasonal service charge.
- (b) Further, if service has been disconnected, a charge under Schedule R-1 is applied at the time of reconnection.

*Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year.

Sec. 9-1-10 Private Fire-Protection Service—Unmetered—Upf-1.

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

Size of Connection	Charge
2-inch	\$ 15.00
3-inch	\$ 24.00
4-inch	\$ 36.00
6-inch	\$ 67.50
8-inch	\$ 108.00
10-inch	\$ 162.00
12-inch	\$ 234.00

- (c) **Billing.** Same provisions as for general service.
- (d) **Credit for Combined Service.**
 - (1) A credit will be given where private fire-protection lines are connected to utility water mains with four (4) inch or larger diameter connections *and* where the lines also supply metered general service. [No credit will be given where connections are less than four (4) inches in diameter.] The general service will be billed at the regular metered rates, Schedule Mg-1. The demand charge for private fire protection shall be (X-.30Y). "X" equals the unmetered private fire-protection quarterly demand charge applicable to the size of connection, and "Y" is the quarterly service charge for metered general service.
 - (2) The fire demand charge minus the credit for four (4) inch and larger connections shall never be less than Twenty-four Dollars (\$24.00).

Sec. 9-1-11 Hydrant Charges—H-1.

- (a) In cases where no other supply is available, hydrants may be used. The following charges shall apply:
 - (1) Service charge for setting or moving sprinkler valve: \$25.00.
 - (2) Hydrant wrench deposit: \$25.00.
 - (3) Reducer (if necessary) deposit: \$25.00.
- (b) In addition, the projected water usage shall be paid for in advance at the schedule rates. The minimum charge for water usage shall be Ten Dollars (\$10.00).
- (c) Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

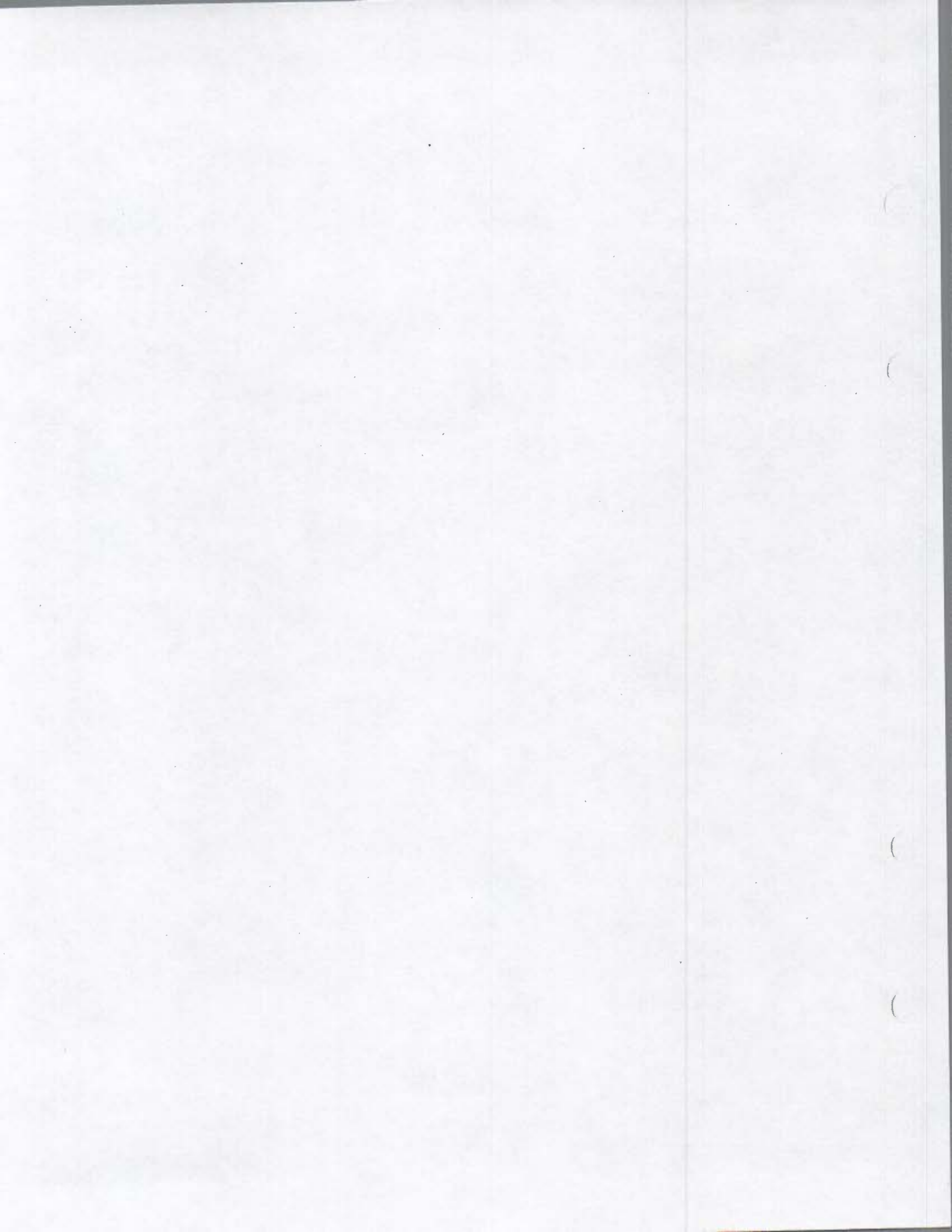
Sec. 9-1-12 Water Lateral Installation Charge—Cz-1.

The initial water service lateral will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged.

Sec. 9-1-13 Temporary Metered Supply, Meter and Deposits—D-1.

- (a) Service charge for setting the valve and furnishing and setting the meter: \$25.00.
- (b) Water usage shall be billed at present rates.
- (c) Refunds of deposits will be made upon return of the utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

Sec. 9-1-14 through Sec. 9-1-19 Reserved for Future Use.



Article B: Rules and Regulations

Sec. 9-1-20 Compliance with Rules.

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

Sec. 9-1-21 Establishment of Service.

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

Sec. 9-1-22 Service Contract.

- (a) The minimum service contract period shall be *one (1) year* unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been

disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.

- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)
- (c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

Sec. 9-1-23 Temporary Metered Supply, Meter and Deposits.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See Schedule D-1 for applicable rate.

Sec. 9-1-24 Water for Construction.

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

Sec. 9-1-25 Use of Hydrants.

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Utility.

- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule H-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.

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

Sec. 9-1-27 Refunds of Monetary Deposits.

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

Sec. 9-1-28 Service Connections (or Water Laterals).

- (a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Sec. 9-1-29 Service Piping for Meter Settings.

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

Sec. 9-1-30 Turning on Water.

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

Sec. 9-1-31 Failure to Read Meters.

- (a) Where the utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month. Only in unusual cases, or when approval is obtained from the customer shall more than three (3) consecutive estimated bills be rendered where billed are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is two (2) months or more.

- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

Sec. 9-1-32 Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-33 Thawing Frozen Services.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-34 Stop Boxes.

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

Sec. 9-1-35 Installation of Meters.

Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. See Schedule Am-1 for applicable rates.

Sec. 9-1-36 Repairs to Meters.

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

Sec. 9-1-37 Replacement and Repair of Service Pipe.

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

Sec. 9-1-38 Charges for Water Wasted Due to Leaks.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-39 Inspection of Premises.

During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. Whenever appropriate, the utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

Sec. 9-1-40 Customer's Deposits.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-41 Conditions of Deposit.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-42 Guarantee Contracts.

See Wis. Adm. Code, Chapter 185.

Sec. 9-1-43 Deferred Payment Agreement.

See Wis. Adm. Code, Chapter 185.

Sec. 9-1-44 Disconnection and Refusal of Service.

- (a) **Disconnection.** See Wis. Adm. Code Chapter PSC 185.
(b) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

DISCONNECTION NOTICE

Dear Customer:

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

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

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

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

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

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

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

1. You dispute the notice of delinquent account.
2. You have a question about your utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.

4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision

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

Deferred Payment Agreements

If you are a residential customer, and for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

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

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

(UTILITY NAME)

Sec. 9-1-45 Collection of Overdue Bills.

An amount owed by the customer may be levied as a tax as provided in Sec. 66.069, Wis. Stats.

Sec. 9-1-46 Surreptitious Use of Water.

- (a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of

such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:

- (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
 - (2) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - (3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (b) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

Sec. 9-1-47 Vacation of Premises.

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

Sec. 9-1-48 Repairs to Mains.

The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

Sec. 9-1-49 Duty of Utility with Respect to Safety of the Public.

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

Sec. 9-1-50 Handling Water Mains and Service Pipes in Sewer or Other Trenches.

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own

expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

Sec. 9-1-51 Protective Devices.

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

Sec. 9-1-52 Water and Sewer Main Extension Rules.

Water and sewer mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property; the procedure set forth under Sec. 66.60, Wis. Stats. will apply, and no additional customer contribution to the utility will be required.
- (b) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection (a).
 - (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within twenty (20) days of

the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (b)(1) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required nor will it exceed the total assessable cost of the original extension.

- (c) When a new customer(s) is connected to an existing main, not financed by customer contributions, it shall not be considered as a main extension and no contribution may be collected from the customer(s). This provision applies only to main extensions constructed after the effective date of this rule.

Sec. 9-1-53 Water Main Installations in Platted Subdivisions.

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

Sec. 9-1-54 CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

(a) **Purpose.** The purpose of this ordinance is:

1. To protect the health and welfare of users of the public potable water supply of the Village of Boyceville from the possibility of contamination or pollution due to backflow of contaminants through the water service connections into the public water system.
2. To promote for the control and/or elimination of existing cross connections (actual or potential) between the customer's potable water system(s) and other environment(s) containing substance(s) which may contaminate or pollute the water supply.
3. To provide for the maintenance of a continuing Comprehensive Cross Connection Control Program in accordance with Wisconsin Department of Natural Resources Administrative Code NR 810.15.

(b) **Definitions.** As used in this ordinance, the following terms shall have the meanings indicated:

1. **UTILITY:** The Village of Boyceville Public Water Utility.
2. **BACKFLOW:** Backflow is the undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the utilities potable supply of water from any source.
3. **BACKFLOW PREVENTER:** A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow assembly, double check valve assembly, pressure vacuum breaker assembly, back-siphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly, pipe applied atmospheric vacuum breaker, flush tank ball-cock, laboratory faucet backflow preventer, backflow preventer for carbonated beverage machine, vacuum breaker wall hydrants, chemical dispensing machine, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent and barometric loop.
4. **BACKPRESSURE:** Backpressure is defined as an elevation of pressure in the downstream piping system, (pump elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend a reversal of the normal direction of flow.
5. **BACK-SIPHONAGE:** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system

from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

6. **CROSS CONNECTION:** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
 7. **CROSS CONNECTION CONTROL MANUAL:** Policies and procedures for cross connection control and backflow prevention for the Village of Boyceville.
 8. **COMPREHENSIVE CROSS CONNECTION CONTROL PROGRAM:** The summation of the various components used by the Utility for the purpose of cross connection and backflow prevention. This includes but is not limited to:
 - a. The Cross Connection and Backflow Prevention Ordinance
 - b. The Cross Connection Control Policy
 - c. Developing and implementing a plan for public education
 - d. Record keeping and reporting activities associated with cross connection and backflow prevention
- (c) **Cross Connection Prohibited.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Boyceville may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.
- (d) **Responsibility.** The Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants. The Utility shall charge fees according to the Utility's "Cross Connection Control Manual" for maintaining a Comprehensive Cross Connection Control Program.
- (e) **Inspections - Residential.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be

inspected on a ten-year interval unless an alternate schedule is approved by the Utility and the Wisconsin Department of Natural Resources. The Utility may, but is not required to, perform the cross connection inspection of the owner's property. If, in the opinion of the Utility, the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.

- (f) **Inspections – Non-Residential.** It shall be the duty of the property owner to cause inspection to be made of their properties serviced by the Utility where cross connection with the public water system is deemed possible. All nonresidential properties serviced by the Utility shall be inspected on a two-year interval unless an alternate schedule is approved by the Utility and the Wisconsin Department of Natural Resources. The property owner must, at their own expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The completed inspection form must be submitted to the villages water works department. Failure to submit the completed form shall be sufficient cause for the water utility to discontinue water service to the property. The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Utility.
- (g) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Utility for cross connection. If entry is refused, such representatives shall obtain a special inspection warrant under Chapter 66.0119 of the Wis. Stats. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- (h) **Provision For Private Inspection.** An owner, lessee, or occupant of property served by a connection to the public water system may choose to have a private inspection performed at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property. The completed inspection form must be submitted to the villages water works department. Failure to submit the completed form shall be sufficient cause for the water utility to discontinue water service to the property.
- (i) **Discontinuation of Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this article exists and to take such other precautionary measures deemed necessary to eliminate any

damage of contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this article and Wisconsin Administrative Code NR 810.15, or if it is found that the means of backflow prevention required by this article has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68 of the Wis. Stats., except as provided in subsection (k) below.

- (j) **Reconnection of Service.** Water service to any property discontinued under the provisions of this article shall not be restored until the cross connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this article. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.
- (k) **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Chapter 68 of the Wis. Stats., within 10 days of such emergency discontinuance. Such hearing shall be before the Village of Boyceville Board of Trustees and shall conform to all existing due process requirements.
- (l) **Owner Responsibility.** The property owner shall be responsible for the elimination of or protection from all cross connections on their premises. The property owner shall, at his or her expense, have installed, maintained, and tested any and all backflow preventers on his or her premises in compliance with Wisconsin Administrative Code NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross connections and also any existing cross connection that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own backflow preventer.
- (m) **Additional Protection.** In the case of premises having internal cross connections that cannot be permanently corrected or controlled, or intricate plumbing and piping arrangements where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or

potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Utility.

- (n) **Public Water Supplies.** This section does not supersede the State of Wisconsin Department of Natural Resources Administration Code NR 810, but is supplementary to it.
- (o) **Plumbing Code.** The Village of Boyceville's Board adapts by reference the State of Wisconsin Administrative Code SPS 382. This section does not supersede the State of Wisconsin Administrative Code SPS 382, but is supplementary to it.
- (p) **Conflicting Ordinances.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEC. 9-1-55 Private Well Abandonment.

- (a) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) **Applicability.** This Section applies to all wells located on any premises served by the Village of Boyceville municipal water system.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Municipal Water System.** A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution or a privately owned water utility serving any of the above.
 - (2) **Noncomplying.** A well or pump installation which does not comply with the provision of Ch. NR 812, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
 - (3) **Pump Installation.** The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards or Chs. NR 809 or 140, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - (5) **Unused.** A well or pump installation which is not in use or does not have a functional pumping system.
 - (6) **Well.** An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.
 - (7) **Well Abandonment.** The filling and sealing of a well according to the provisions of Ch. NR 812, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 812, Wis. Adm. Code, within ninety (90) days from the date of connection to the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village Clerk-Treasurer.
- (e) **Well Operation Permit.** The Village Board may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Section are met. The Village Board, or their agent, may conduct inspections or

have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 812, Wis. Adm. Code.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidence by at least two (2) samplings taken a minimum of two (2) weeks apart, every year. Results are to be filed with the Village Clerk-Treasurer. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
- (3) There are no cross-connections between the well and pump installation and the municipal water system.
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (5) The well and pump system to be evaluated by a licensed well driller or pump installer and certified to comply with Ch. NR 812 sub. ch. IV prior to issuing the initial permit and no less than every ten (10) years afterwards.

(f) **Abandonment Procedures.**

- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of Ch. NR 812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operation shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, shall notify the Clerk-Treasurer at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Utility Superintendent or his agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

(g) **Penalties.** Any person, firm, or well owner, violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6, and the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Chapter 2

Sewer Utility Regulations and Rates

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Sec. 9-2-1 Purpose.

This Chapter establishes rules and regulations for the use of the publicly owned sewerage facilities located within the area served by the Village of Boyceville, Dunn County, Wisconsin, without damage to the physical facilities, without impairment of their normal function of collecting, transporting, treating and disposing of wastewater from the area served by the Village, and without the discharge by the publicly owned treatment works of pollutants which would be in violation of its permitted discharge under the applicable rules and regulations of state and federal regulatory agencies. This Chapter also includes provisions for sampling wastewater, pretreatment requirements, procedures for obtaining sewer discharge permits and provides for the proper development and use of the User Charge System for the Village of Boyceville.

Sec. 9-2-2 Definitions.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (1) **Approving Authority.** The Village Board or their authorized deputy, agent, representative or consulting engineer. Approving authority and Village are used interchangeably.
- (2) **BOD (Biochemical Oxygen Demand).** The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at twenty degrees Centigrade (20oC) and expressed in milligrams per liter.
- (3) **Combined Sewer** means a sewer intended to receive both wastewater and storm water or surface water.
- (4) **Commercial and Institutional User** means those users of the publicly owned treatment works which are not residential and are not classified as an industrial user.
- (5) **Compatible Pollutants** mean those pollutants generally characterized as BOD, suspended solids, pH and fecal coliforms, together with any additional pollutants defined in the Village's WPDES permit, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established in this Chapter.
- (6) **Debt Service Charge** means that charge to the users which shall, in whole or in part, defray the costs of retiring the debts incurred in the construction of any wastewater facilities by the Village.
- (7) **Domestic Wastewater** means water borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below two hundred fifty (250) mg/l and the BOD is established at or below two hundred fifty (250) mg/l.
- (8) **Fiat Charge** means the charge made to unmetered users for use of the treatment works.
- (9) **Incompatible Pollutants** are all pollutants which are not compatible.
- (10) **Industrial User.**
 - a. Any governmental user of publicly owned treatment works which discharges more than twenty-five thousand (25,000) gallons per day of domestic wastewater, or a volume of process waste, or combined process waste and domestic wastewater, equivalent to twenty-five thousand (25,000) gallons per day of domestic wastewater. Domestic wastewater is the wastes discharged from the average residential user in the Village's service area. The strength of the average residential waste discharge in the Village's service area shall be defined in terms of a concentration of two hundred fifty (250) mg/l biological oxygen demand (BOD) and two hundred fifty (250) mg/l suspended solids (SS). These concentrations will be applied in determining equivalent volumes of process waste or combined discharges of domestic and process wastes.
 - b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with

other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving the discharge from the treatment works.

- c. Any user of the publicly owned treatment works that engages in the processing, blending, assembling or in some way transforming of materials or substances into new products, and discharges a wastewater having BOD and/or suspended solids concentrations in excess of two hundred fifty (250) mg/l.
- (11) **Industrial Waste** means the wastewater from an industrial user as distinct from domestic wastewater.
- (12) **Minimum Charge** means the amount charged to each user irregardless of use. This charge does not provide the user a minimum amount of use.
- (13) **Operation and Maintenance Costs.** All costs incurred in the operation and maintenance of the Village's wastewater treatment works. These costs shall include labor, energy, chemicals and replacement costs but do not include debt retirement costs.
- (14) **Person** means any individual, firm, company, association, society, corporation or group.
- (15) **pH** means the logarithm [base ten (10)] of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.
- (16) **Pretreatment** means the treatment of wastewater by the user before introduction into the Village sewerage system.
- (17) **Property Shredded Garbage.** The waste, from the preparation, cooking and dispensing of food, that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers. No particle shall be greater than one-half (1/2) inch in any dimension.
- (18) **Replacement Cost** means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement. The yearly replacement cost is calculated as follows:

$$a = \frac{\text{Present Installed Cost}}{\text{Projected Service Life}}$$

- (19) **Residential User** means a user of the publicly owned treatment works that would occupy an establishment considered a house or apartment and other facilities in which people live.
- (20) **Sanitary Sewer** means a sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastewater are not intentionally passed.

- (21) **Sewer Service Charge** is the sum of the minimum charge, user charge, debt service charge and any applicable surcharge. It is the total sewer bill.
- (22) **Slug** means any discharge of water or wastewater which, in concentrations of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and which adversely affects the collection system and/or performance of the wastewater treatment plant.
- (23) **Standard Methods** means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Federation of Sewage and Industrial Wastes Association.
- (24) **Storm Sewer** means a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (25) **Surcharge** means an additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or other pollutants.
- (26) **Suspended Solids (SS)** means total suspended matter that either floats on the surface of or are in suspension in water, sewage, or other liquids and which are removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods."
- (27) **Unpolluted Water** is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving-water quality standards.
- (28) **User** means any person discharging domestic wastewater or industrial wastes into the collection system.
- (29) **User Charge** means that charge to users of the treatment works which adequately provides for proportionate recovery of the operation and maintenance costs.
- (30) **User Class** means a group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.
- (31) **Village Sewerage System.** The wastewater collection system of the Village of Boyceville including lift stations and forcemains. Village sewerage system and publicly owned treatment works are used interchangeably.
- (32) **Wastewater** means a combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.
- (33) **Wastewater Treatment Works** means all facilities for collection, pumping, treating and disposing of domestic wastewater and industrial waste.
- (34) **WPDES Permit** means the Wisconsin Pollutant Discharge Elimination System Permit, issued to the Village for the wastewater treatment facilities.

Sec. 9-2-3 General Requirements.

- (a) **Discharge to Natural Outlet Prohibited.** It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (b) **Privies, Septic Tanks and Cesspools.** Except as provided in this Section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (c) **Connection With Public Sewer Required.** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so; provided that said public sewer is within one hundred (100) feet of the property line. Where a public sanitary sewer is not available under the provisions of this Section, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter.
- (d) **Compliance With County Regulations Required.** Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Dunn County Zoning Administrator and comply with the then-applicable Dunn County sanitary laws. The Village expressly consents to the enforcement of such laws by the Dunn County Zoning Administrator, and other Dunn County officials within the Village. Violations of this Subsection may also be prosecuted by the Village.
- (e) **Inspection of Installation.** A private wastewater disposal system shall not be placed in operation until the installation is completed to the satisfaction of the Village. The Village shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Village.
- (f) **Private Wastewater Disposal Systems.** The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Department of Industry, Labor and Human Relations. No private system shall be permitted to discharge to any natural outlet.
- (g) **Connection Notice.** When a sanitary sewer is installed within one hundred (100) feet of a property served by a private wastewater disposal system, the Village shall issue a notice to the property owner. The notice shall stipulate when the property shall be connected to the sanitary sewer. Within thirty (30) days of connection to the sanitary sewer, the private wastewater disposal system shall be cleaned of sludge and completely abandoned. All abandoned tanks, pits, etc. shall be completely filled with sand.

- (h) **Sanitary Operation Required.** The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the Village.
- (i) **Health Requirements.** No statement contained in this Subsection shall be constructed to interfere with any additional requirements that may be imposed by the Health Officer.
- (j) **Wastewater Discharge Permit.** A wastewater discharge permit shall be required of any person desiring to discharge wastewater to the Village sewerage system and shall be one (1) of two (2) classes.
 - (1) A domestic wastewater discharge permit shall be required of any person desiring to discharge domestic waste and shall be considered as part of the building permit required and issued by the Village.
 - (2) An industrial wastewater discharge permit shall be required of any person desiring to discharge any industrial waste and shall be completely separate from any other permits issued by the Village. Further requirements for this class of permit can be found in Section 9-2-9.
- (k) **Connection to Sanitary Sewer.** All costs and expenses incidental to the installation and connection of the building sewer to the Village sanitary sewer shall be borne by the owner. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village.
- (l) **Inspection.** The Village shall be permitted to have an authorized representative inspect any new or old installations for compliance with the regulations of this Chapter.
- (m) **New Connections.** New connections to the system shall not be allowed unless all downstream components have a reserve capacity capable of accepting them.
- (n) **Manhole.** The Village reserves the right to require any user of the system to install and maintain at the user's expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the Village free and unobstructed access to the installed manhole.
- (o) **New Sewers.** All new sewers shall be designed by a professional engineer. Sanitary sewer designs shall be approved by the Wisconsin DNR. All sewers shall be constructed in accordance with the approved plans and specifications.
- (p) **Monitoring Station.** All industrial users, directed to do so by the Village, shall install and maintain at the user's expense a monitoring station. The station shall include twenty-four (24) hour composite samplers, continuous flowmeters, flow recorders and other necessary equipment to accurately measure and sample the wastewater being discharged. Where conditions do not permit monitoring of all discharges from a user at a single station, multiple monitoring stations shall be installed. The station shall be situated on the user's premises. The user shall allow the Village access to the station at all reasonable hours.
- (q) **Inspection and Sampling.** The Village may inspect the control manhole or monitoring station of any user to determine compliance with the requirements of this Chapter. The

user shall allow the Village or its representatives to enter upon the premises of the user at all reasonable hours, for the purposes of inspection, sampling, or records examination. The Village shall have the right to set up on the property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(r) **Septic Tank and Holding Tank Waste.**

- (1) No person in the business of gathering and disposing of septic tank or holding tank wastes shall transfer such material into any disposal area or sewer manhole located within the Village boundaries unless a permit for disposal has been first obtained from the Village.
- (2) A written application for a permit shall be made to the Village and shall state the name and address of the applicant; the number of disposal units and the size, make, model and license number of each unit. The application shall also state the type, frequency, quantity and location of the generated septage to be disposed at the wastewater treatment works. Applications shall be reviewed by the Village and a determination shall be made as to the amount and conditions of septage disposal at the treatment facility. The Village may approve or reject all applications. If the treatment facility cannot accept all the proposed seepage disposal, then consideration shall be given first to those generators of septage that are within the service area.
- (3) When an application is approved a non-transferrable (except in the case of replacement of a disposal unit) permit shall be issued. The permit will have a fee of Twenty-five Dollars (\$25.00) per calendar year. The Village may impose such conditions as it deems necessary in any permit. All permits shall have the conditions that at any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- (4) Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
- (5) Any materials dumped into treatment system shall be of domestic origin only and that he will comply with the provisions of any and all applicable ordinances of the Village, and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.
- (6) The person(s) or party disposing waste agrees to indemnify and hold harmless the Village from any and all liability and claims for damages arising out of or resulting from work and labor performed.

- (7) Charges for disposal shall be Thirty-seven and 37/100 Dollars (\$37.37) per one thousand (1,000) gallons of septic tank wastes and Four and 88/100 Dollars (\$4.88) per one thousand (1,000) gallons of holding tank waste. In addition, a service fee of Twenty Dollars (\$20.00) per load will be charged to cover the cost of the operator, testing and bookkeeping. Bills shall be mailed on a monthly basis and if payments are not received in thirty (30) days thereof, disposal privileges shall be suspended.

Sec. 9-2-4 Prohibited Discharge.

Except as provided in this Chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer.

- (a) **Unpolluted Waters.**
 - (1) No person shall discharge or cause to be discharged, any unpolluted waters, such as storm water, groundwater, sanitary roof runoff, subsurface drainage or cooling water to any sanitary sewer; except that storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the Village.
 - (2) Storm water and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Unpolluted industrial cooling water or process waters may be discharged to a storm sewer or natural outlet with the approval of the Village and the Wisconsin DNR.
- (b) **Explosive Mixtures.** Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage system or to the operation of the system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (L.E.I.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (c) **Toxic Substances.** Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant. The toxics prohibited are those consistent with Section 307(a) of the Clean Water Act of 1977.
- (d) **Corrosive Wastes.** Water or wastes having a pH lower than six (6.0) or higher than nine (9.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Village sewerage system. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and caustic solutions.

- (e) **Solid or Viscous Wastes.** Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Village sewerage system such as, but not limited to ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (f) **Noxious Material.** Noxious or malodorous solids, liquids or gases which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or will prevent the entry into the sewage system for maintenance purposes.
- (g) **Radioactive Wastes.** Radioactive waste or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

Sec. 9-2-5 Limited and Restricted Discharges.

The following described substances, materials, waters or wastes shall be limited, in discharges to the Village sewer system, to concentrations or quantities which will not harm the sewers, lift stations or the wastewater treatment facility; will not have an adverse affect on the receiving stream; will not otherwise endanger life, limb or public property; and will not constitute a nuisance. The Village may set limitations lower than the limitations established herein, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the Village will give consideration to such factors as the quantity of the subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste and other pertinent factors. The limitations and restrictions on materials and characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the Village, are as follows:

- (a) **Temperature Limit.** Wastewater shall not have a temperature higher than one hundred fifty degrees Fahrenheit (150oF) [sixty-five degrees Celsius (65oC)].
- (b) **Oil Content.** Wastewater shall not contain more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (c) **Grease Limit.** Fats, wax, oils and grease, whether emulsified or not, shall not exceed a concentration of one hundred (100) milligrams per liter. This concentration limit shall be lowered if it is found that the substances are solidifying or becoming viscous and creating obstructions in the sewerage system.
- (d) **Garbage Restriction.** Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption

on the premises, or when served by caterers. Discharges shall be limited to properly shredded garbage only.

- (e) **Metals Restriction.** Water or wastes containing iron, chromium, copper, zinc and similar objectionable substances can be discharged, in limited concentrations, provided such materials received in the composite wastewater at the wastewater treatment plant do not exceed the limits established by the approving authority in compliance with the WPDES Permit and the applicable state regulations.
- (f) **Odor Limit.** Water or wastes containing odor-producing substances are limited to concentrations established by the Village in compliance with State regulations, and to those levels which do not create a nuisance.
- (g) **Slugs.** Quantities of flow, concentrations, or both, which constitute a "slug," shall not be discharged.
- (h) **Incompatible Wastes.** Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the WPDES Permit shall not be discharged.
- (i) **Interactive Wastes.** Water or wastes which, by interaction with other water or wastes in the Village sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes shall not be discharged.
- (j) **Organic Limits.** Wastewater containing unusual quantities of BOD, chemical oxygen demand or chlorine demand shall be limited to levels not to exceed one percent (1%) of the Village's design capacity of the treatment plant, unless otherwise specifically provided by permit.
- (k) **Inert Solids.** Inert suspended solids such as fuller's earth, lime slurries and lime residues and dissolved solids such as sodium sulfate, shall be limited to levels which do not interfere with the normal operation of the Village collection, pumping and treatment systems.
- (l) **Color Restriction.** Wastewater containing dye wastes, vegetable tanning solutions and similar type wastes shall be limited to quantities which do not interfere with the normal operation of the sewerage system and which do not cause excessive discoloration of the wastewater or treatment plant effluent.

Sec. 9-2-6 Pretreatment Requirements.

- (a) **Interceptors.** Grease, soil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of such wastes. However, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by state plumbing code, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and

disposal of the captured material, and shall maintain records of the dates and means of disposal. The records are subject to review by the Village. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste-disposal firms.

- (b) **Regulatory Action.** If the wastewater to be discharged by a user may be harmful to the Village's sewerage system or to the operation of the treatment system, or if the proposed wastewater discharge is prohibited, limited or restricted by this Chapter the Village may take the following actions:
- (1) Prohibit the discharge of such wastewaters.
 - (2) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the Village.
 - (3) Require pretreatment including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 - (4) Require the person making, causing or allowing the discharge to pay all additional costs of collecting, handling and treating the wastewater.
 - (5) Take such other remedial action as may be deemed desirable or necessary to achieve the purpose of this Chapter.
- (c) **Submission of Plans.** Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the Village plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the Village for review and approval. Approval shall in no way exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the Village. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of the Village.
- (d) **Costs.** The cost of constructing grease, oil and sand interceptors; pretreatment facilities and flow equalization facilities shall be the responsibility of the person needing these facilities so as to allow their wastewater to be discharged to the Village sewerage system.
- (e) **Operations.** If pretreatment or flow equalization facilities are installed, they shall be effectively operated and maintained by the user at his expense.

Sec. 9-2-7 Accidental Discharges.

Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Chapter. Users shall notify the Village immediately upon occurrence of a "slug" or accidental discharge of substances prohibited by this Chapter and shall submit within forty-eight (48) hours a written report of the incident. The report shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug of prohibited materials shall be liable for any

expense, loss or damage caused by the discharge, in addition to the amount of fines imposed by the Village. Signs shall be permanently posted in conspicuous places of user's premises, advising employees whom to call in the event of a slug or accidental discharge. User's shall instruct all employees who may cause or discover such a discharge, with respect to wastewater emergency notification procedure.

Sec. 9-2-8 Special Agreements.

No statement contained in this Chapter shall be constructed as prohibiting any special agreement between the Village and any person, whereby an industrial waste of unusual strength or character may be admitted to the Village sewerage system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person.

Sec. 9-2-9 Industrial Wastes.

Industrial user and industrial wastes are defined in Section 9-2-2. Industrial permits are required by Section 9-2-3(j)(2).

- (a) **Application Time.** Every industrial user shall submit an application for a Village issued industrial discharge permit one hundred eighty (180) days prior to the beginning of any wastewater discharge.
- (b) **Application.** Users seeking an industrial wastewater discharge permit shall complete and file with the Village an application, on the form prescribed by the Village and accompanied by the applicable fee. In support of this application, the user shall submit the following information:
 - (1) Name, address and standard industrial classification number of applicant.
 - (2) Average volume of wastewater to be discharged.
 - (3) Wastewater constituents and characteristics as determined by examination according to "Standard Methods."
 - (4) Time and duration of discharge.
 - (5) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
 - (7) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
 - (8) Each product produced by type, amount and rate of production.

- (9) Number and type of employees and hours of work.
- (10) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.
- (c) **Review of Application.** The Village may use a consulting engineer and/or an attorney to help evaluate the data furnished by the user. Additional data may be requested to enable the Village to complete the review. After evaluation and acceptance of the data furnished, the Village may issue a wastewater discharge permit.
- (d) **Permit Conditions.** Industrial wastewater discharge permits shall be subject to all provisions of this Chapter. Additional permit conditions may include:
 - (1) The average and maximum wastewater flow and constituent limits the user will be allowed to discharge to the Village sewerage system.
 - (2) Limits on the rate of discharge and time of discharges necessary to reduce slug flows.
 - (3) Requirement to construct and maintain a flow regulation or equalization facility.
 - (4) Requirement to construct, operate and maintain a monitoring station.
 - (5) The monitoring requirements for the industrial discharge will include type of sample, sampling frequency and the laboratory analyses required. All analyses shall be performed in accordance with "Standard Methods" and shall be at the user's expense.
 - (6) Require the user to install pretreatment facilities.
 - (7) Require the user to maintain stipulated wastewater records and to allow the Village access to these records.
 - (8) Other conditions deemed necessary by the Village to insure compliance with the Chapter.
- (e) **Duration of Permit.**
 - (1) Industrial discharge permits shall be issued for a specified time period, generally not exceeding two (2) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. If the user is not notified by the Village fifteen (15) days prior to the expiration of the permit, the permit shall automatically be extended for twelve (12) months. The terms and conditions of the permit may be subject to modification and change by the Village during the life of the permit.
 - (2) The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (f) **Transfer of Permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (g) **Wastewater Monitoring.** The user discharging industrial waste shall be responsible for the required flow monitoring, sample collection and laboratory analyses stated in their permit. If the user is not qualified to perform these duties, the user shall engage a qualified private firm. As an alternative, the user may engage the Village to perform these duties provided the associated costs are born by the user.

Sec. 9-2-10 Sewer Service Charge.

- (a) **Authority.** The Village Board shall have the authority to establish and collect a sewer service charge for the use of the public wastewater treatment works maintained by Village personnel.
- (b) **Classes of Users.**
 - (1) The following user classes are established:
 - a. Residential.
 - b. Commercial.
 - c. Public authority (institutional).
 - d. Industrial.
 - (2) All users will pay at the rates as established by the user charge system.
- (c) **Method of Computing.** The service charge shall be based on rates from the sewer service charge development and on water or wastewater meter readings, when available. When such meter readings are unavailable, the service charges will be a flat charge based on the estimate of usage for the unmetered users. This estimate shall be eleven thousand (11,000) gallons per quarter. Where the flat charge must be used, it will be paid for the full quarter and shall not be prorated. If service should be interrupted for any full quarter, only the customer and demand charges will be charged. The flat charge will be adopted by resolution.
- (d) **Sewer Service Charge Development.** The Village provides sewer service to those with in its service area. The rates are developed so as to equitably distribute the debt service charge, the user charge and the replacement cost to the users of the sewerage system. In order to equitably divide these charges the various expenses of constructing and operating the sewerage system are apportioned to the following categories:
 - (1) **Volume.** The volume category is for those items or portions of items that can be related to the amount of water or waste that is used or produced.
 - (2) **BOD.** The BOD or bio-chemical oxygen demand category is for those items or portions of items that can be related to treating the BOD.
 - (3) **SS.** The SS or suspended solids category is for those items that can be related to treating and handling the solids in the waste.
 - (4) **Customer Charge.** The customer charge category is for those items or portions of items that can be related to the number of customers without regard to the quantity or nature of the waste.
 - (5) **BOD Surcharge.** The additional charge made for treating BOD that is in excess of that defined for domestic strength waste.
 - (6) **SS Surcharge.** The additional charge made for treating SS that is in excess of that defined for domestic strength waste.
- (e) **Surcharges.**
 - (1) The commercial and public authority class shall be charged at the residential user rate and such additional surcharges as may be shown equitable.

- (2) The industrial user class shall be charged at the residential user rate plus a surcharge developed at such time as an application is received for a permit to discharge an industrial waste.
- (f) **Total Sewer Service Charge** shall be the sum of the volume and customer charge plus any applicable surcharges. For those unmetered services, the total sewer charge shall consist of the flat charge.
- (g) **Billing.** Bills for sewer service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of three percent (3%) but not less than thirty cents (30¢) will be added to bills not paid within twenty (20) days of issuance. This late payment charge is applicable to all customers. The customer may give written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and unless payment or satisfactory arrangements for payment is made within the next eight (8) days, service may be disconnected pursuant to Ch. 185, Wis. Adm. Code.
- (h) **Non-Payment.** Charges levied in accordance with this Section shall be a debt due to the Village and shall be lien upon the property. If this debt is not paid it shall be deemed delinquent. This debt may then be recovered by civil action in the name of the Village against the property owner, the person or both. If delinquent payments are not received by November 1st of the calendar year, a ten percent (10%) charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15th, the delinquent bill will be forwarded to the County for placement on the succeeding tax roll.
- (i) **Failure to Pay; Removal or Closure of Connection; Restoration of Service When.**
- (1) In the event of failure to pay sewer service charges after they have become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.
 - (2) The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a lien upon the property, and may be recovered by civil action in the name of the Village against the property owner, the person, or both.
 - (3) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.
 - (4) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- (j) **Replacement Fund.** A distinct replacement fund shall be established by the Village. The replacement fund is for replacing equipment and accessories necessary to maintain the capacity and performance during the service life of the treatment facility.
- (k) **Audit of General Account.** The Village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality and adequacy of the sewer service charge relative to changing system operation, maintenance and debt service costs.
- (l) **Excess Revenue.** The Village will credit any excess revenues collected to the user class from which it was collected.

Sec. 9-2-11 Violations and Penalties.

- (a) **Written Notice Required.** Any person found to be violating any provision of this Section, except Section 9-2-10(g) shall be served by the Village with a written notice stating the nature of the violation, and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) **Civil Penalties.**
 - (1) Whoever fails to comply with any provisions of this Chapter or with an Order of the Village issued in pursuance of this Chapter, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Each day's continuance of such failure is a separate offense.
 - (2) The penalties so imposed, plus reasonable attorney's fees, court costs and other expenses of litigation, are recoverable by the Village upon its suit as debts are recoverable by law.
- (c) **Recovery of Costs Incurred by the Village.** Any user violating any of the provisions of this Chapter, or who discharges or causes a discharge producing a deposit or obstruction; or causes damage to or impairs the Village sewerage system shall be liable to the Village for any expense, loss or damage caused by such violation or discharge. The Village Clerk-Treasurer shall bill the cleaning, repair, or replacement work resulting from violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Chapter, and shall be enforceable under the provisions of this Chapter.
- (d) **Falsifying Information.** Any person who knowingly makes any false statement, representation or certification in any application, record, or report, plan or other document filed or required to be maintained pursuant to this Chapter, or a Wastewater Discharge Permit; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall, upon conviction be punished by the imposition of the civil penalty stated above or by imprisonment for not more than thirty (30) days or by both.

Sec. 9-2-12 Adoption.

When adopted by the Village Board of the Village of Boyceville, this sewer use ordinance and user charge system shall take precedence over any pre-existing agreements, ordinances and charge systems which are inconsistent with this Chapter and/or the Federal Law PL92-500 and subsequent amendments thereto.

Sec. 9-2-13 Sewer Service Charge System.

Being that the Village must adopt an equitable sewer service charge system as described by the Sewer Use Ordinance and being that at this time all users discharge waste similar in strength, but varying in quantity, the following rates are adopted:

METERED USERS

PROPOSED RATE

- | | |
|--|-----------------|
| 1 Sewer Availability Charge and Debt Service Charge per Equivalent Residential Unit (ERU)* | \$30.64/quarter |
| 2 User Charge/1000 Gallon | \$ 3.99 |

UNMETERED USERS

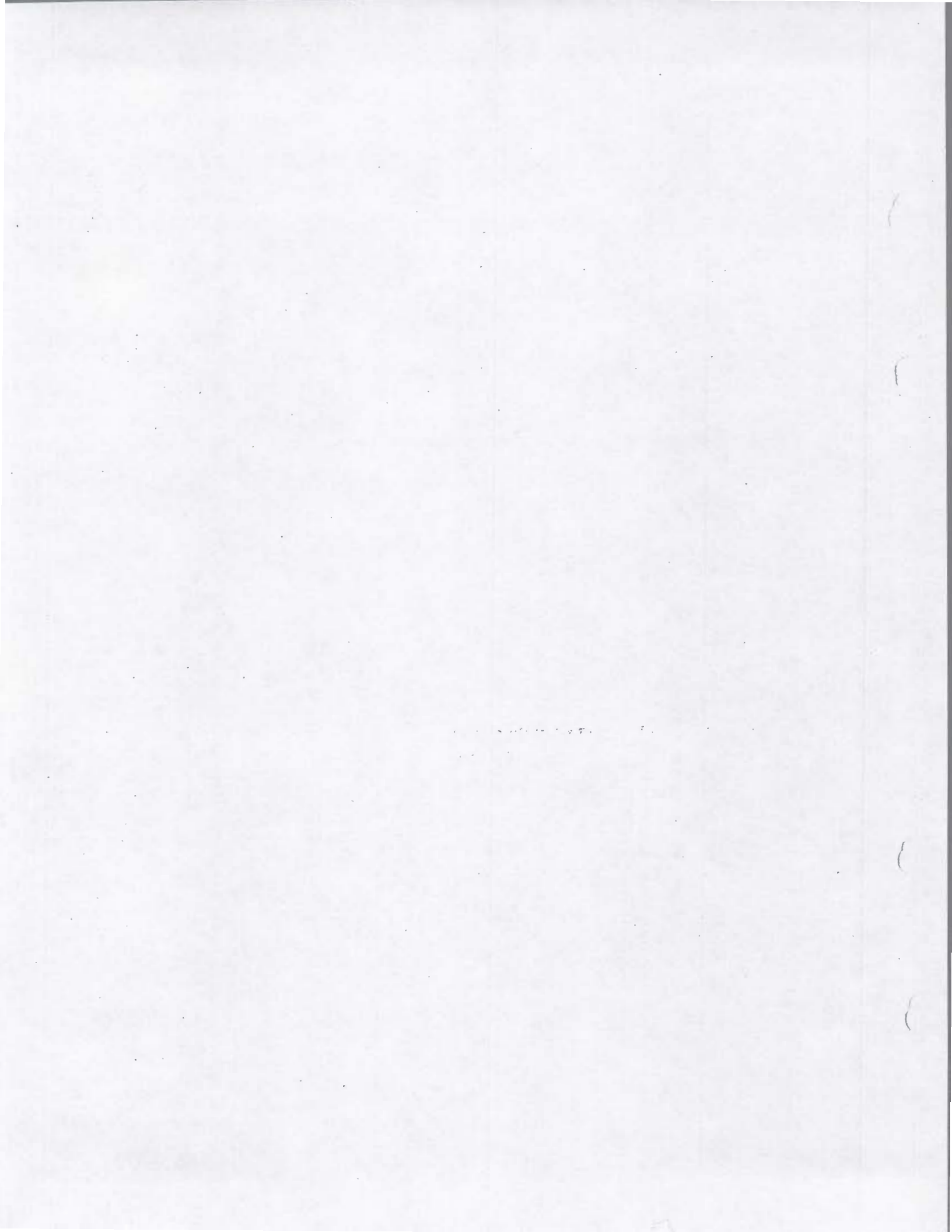
- | | |
|----------------------------|---------------------------------------|
| 1 Flat Rate Charge | \$74.56*/quarter |
| | *Includes \$30.64 debt service charge |
| 2 Unmetered User Surcharge | \$25.00/quarter |

CHARGES TO OHLY

- | | |
|---------------------------------|---------------------|
| 1 Debt Service** | \$5,827.50/month |
| 2 Flow Charge | \$2.42/1000 gallons |
| 3 BOD Charge | \$0.34/lb BOD |
| 4 Total Suspended Solids Charge | \$0.23/lb TSS |
| 5 Total Phosphorus Charge | \$5.60/lb TP |

*The Capital Improvement Restricted Fund debt service charge will be set aside annually.

**The Sludge Removal Restricted Fund debt service charge will be set aside annually.



AN ORDINANCE GRANTING TO CELECT COMMUNICATIONS, LLC THE NON-EXCLUSIVE RIGHT TO ERECT, MAINTAIN AND OPERATE IN, UNDER, OVER, ALONG, AND ACROSS THE STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES, HIGHWAYS, EASEMENTS DEDICATED FOR COMPATIBLE USES AND OTHER PUBLIC PLACES IN THE VILLAGE OF BOYCEVILLE TOWERS, POLES, LINES, CABLES, WIRES AND OTHER APPARATUS FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF VIDEO, AUDIO AND OTHER COMMUNICATIONS SIGNALS TO ENABLE SALE OF ITS CABLE SERVICE TO RESIDENTS OF THE VILLAGE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF BOYCEVILLE.

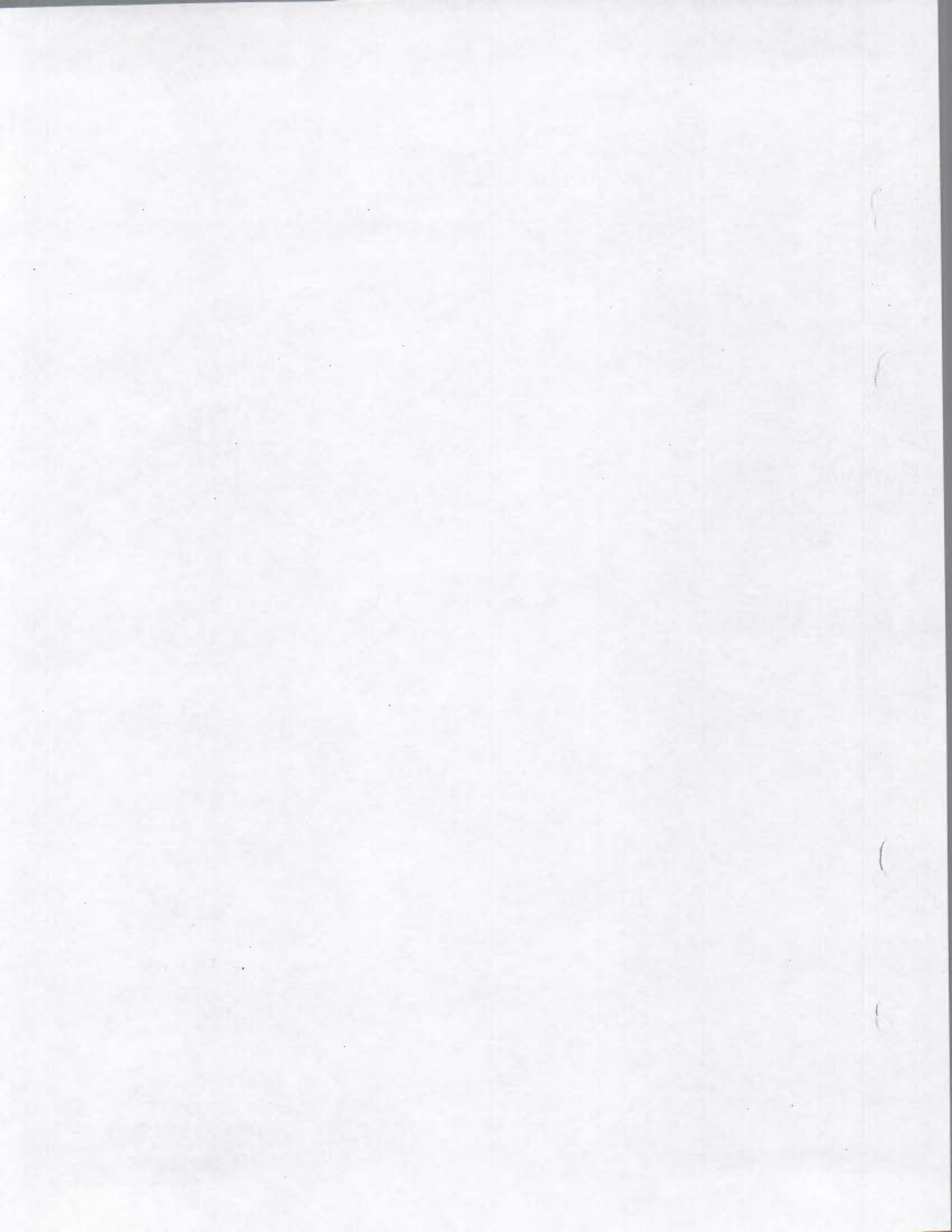
SECTION I - TITLE

This ordinance shall be known and may be cited as the Celect Communications, LLC cable service ordinance.

SECTION II - DEFINITIONS

For purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

1. "Cable Service" means the transmission of communications signals including the retransmission of broadcast and satellite received signals, and the origination of the programming by the Grantee.
2. "Village" is the Village of Boyceville.
3. "Board" is the Village of Boyceville Village Board.
4. "Cable Television System" or "Cable System" is a system utilizing certain electronic and other components which delivers to subscribing members of the public various communications services.
5. "Cable Television Reception Service" means the delivery by the Grantee to television receivers (or any other suitable type of equipment) electronic signals and other communications services carried over the Cable System.
6. "FCC" shall mean Federal Communications Commission.



7. "Person" is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.
8. "Grantee" is Celect Communications, LLC in accordance with the provisions of this Ordinance.
9. "Subscribers" are those persons contracting to receive Cable Television Reception Service furnished under this Ordinance by Grantee.

SECTION III - GRANT OF NON-EXCLUSIVE AUTHORITY

1. There is hereby granted by the Village to the Grantee, and to its successors, assigns or designees, the non-exclusive right to erect, maintain and operate in, under, over, along, across and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements dedicated for compatible uses and other public places in the Village of Boyceville and subsequent additions thereto, towers, poles, lines, cables, wires, manholes and all other fixtures and equipment necessary for the maintenance and operation in the Village of a cable television system, for the purpose of transmission and distribution of video, audio, voice, data, electronic and electrical signals or impulses in order to furnish video and audio programs and various other communications services by what is commonly called a Community Antenna Television System, for a period of Twenty (20) years, commencing from and after the effective date of this Ordinance.

2. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive.

SECTION IV - COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

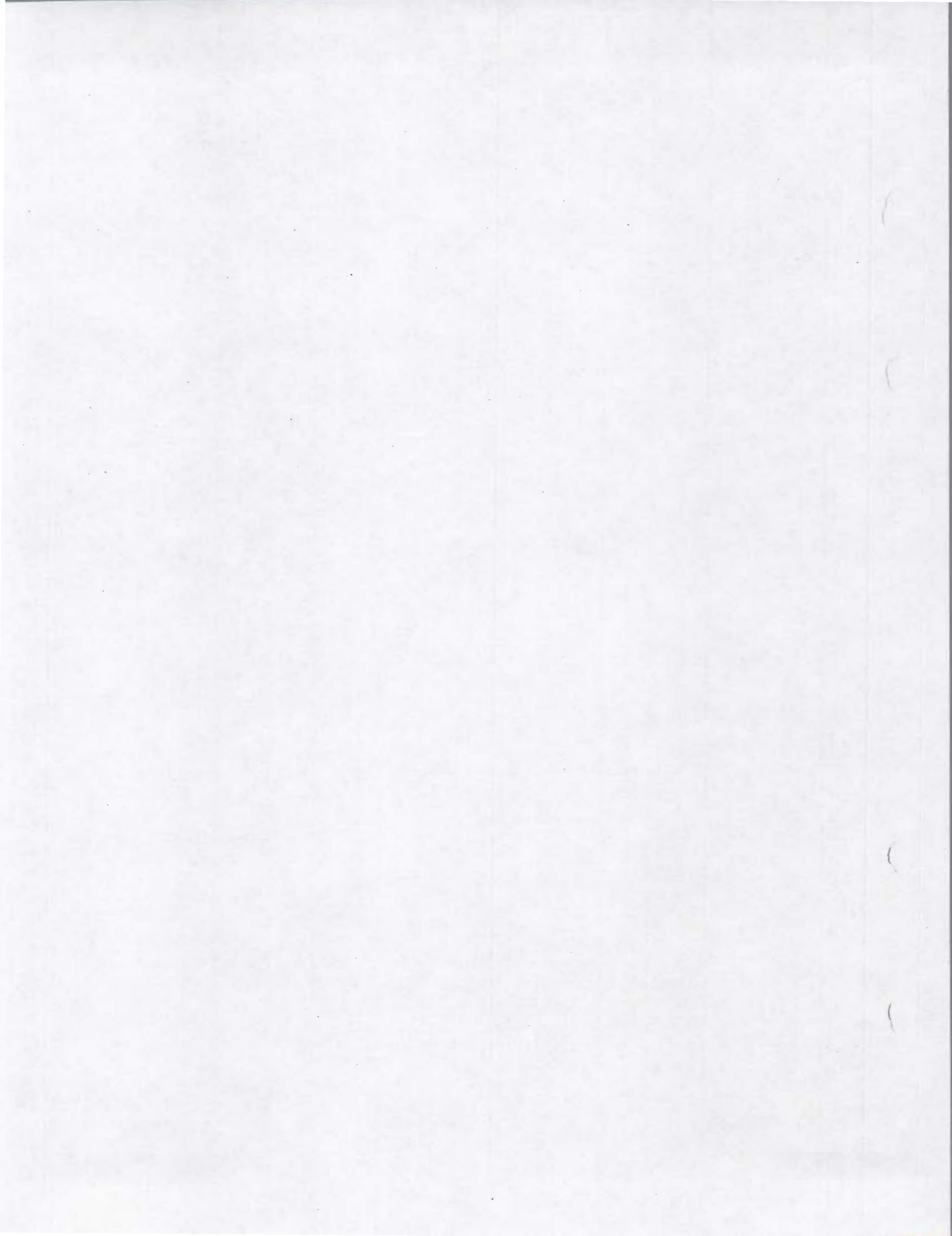
The Grantee shall, during the term hereof, except in those areas which have been preempted by the Cable Communications Policy Act of 1984, or by any other statute or rule, or which are regulated by the Federal Communications Commission, be subject to all lawful exercise of the regulating and police powers of the Village.

SECTION V - TERRITORIAL AREA INVOLVED

This Ordinance relates to the present territorial limits of the Village and to any area annexed thereto during the term of this Ordinance. Grantee shall not be required to serve residents or businesses except where feasible. Grantee may, but shall not be required to, serve areas or individual homes adjoining, but outside the Village limits. Grantee may negotiate directly with customers the amount charged for furnishing the service to the customer.

SECTION VI - LIABILITY AND INDEMNIFICATION

Grantee shall, at all times, keep in effect the following types of insurance coverage:



(a) Worker's Compensation upon its employees engaged in any manner in the installation or servicing of its plant and equipment in amounts required by the Wisconsin statutes.

(b) Property Damage Liability insurance to the extent of \$500,000.00/\$1,000,000.00 as to each occurrence and personal injury to the extent of \$500,000.00/\$1,000,000.00 as to each occurrence and Automobile bodily injury liability insurance of \$100,000.00/\$300,000.00 as to each occurrence and property damage liability of \$500,000.00/\$1,000,000.00 for each occurrence.

Grantee shall indemnify, protect, and save harmless the Village from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Worker's compensation law which may arise out of the erection, maintenance, presence, use or removal of said attachments or poles within the Village, or by any act of Grantee, its agents or employees. Grantee shall carry insurance in the above described claims, demands, actions, judgements, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Grantee shall also carry such insurance as it deems necessary to protect it from all claims under the Worker's Compensation law as in effect that may be applicable to Grantee. All insurance required shall be and remain in full force and effect for the entire life of the rights granted hereunder. Insurance certificates evidencing such insurance shall be deposited with and kept on file by the Village.

These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements, and all other damages arising out of the installation, operation, or maintenance of a Cable Television System authorized herein, whether or not any act of omission complained of is authorized, allowed or prohibited by this Ordinance.

SECTION VII - TECHNICAL STANDARDS

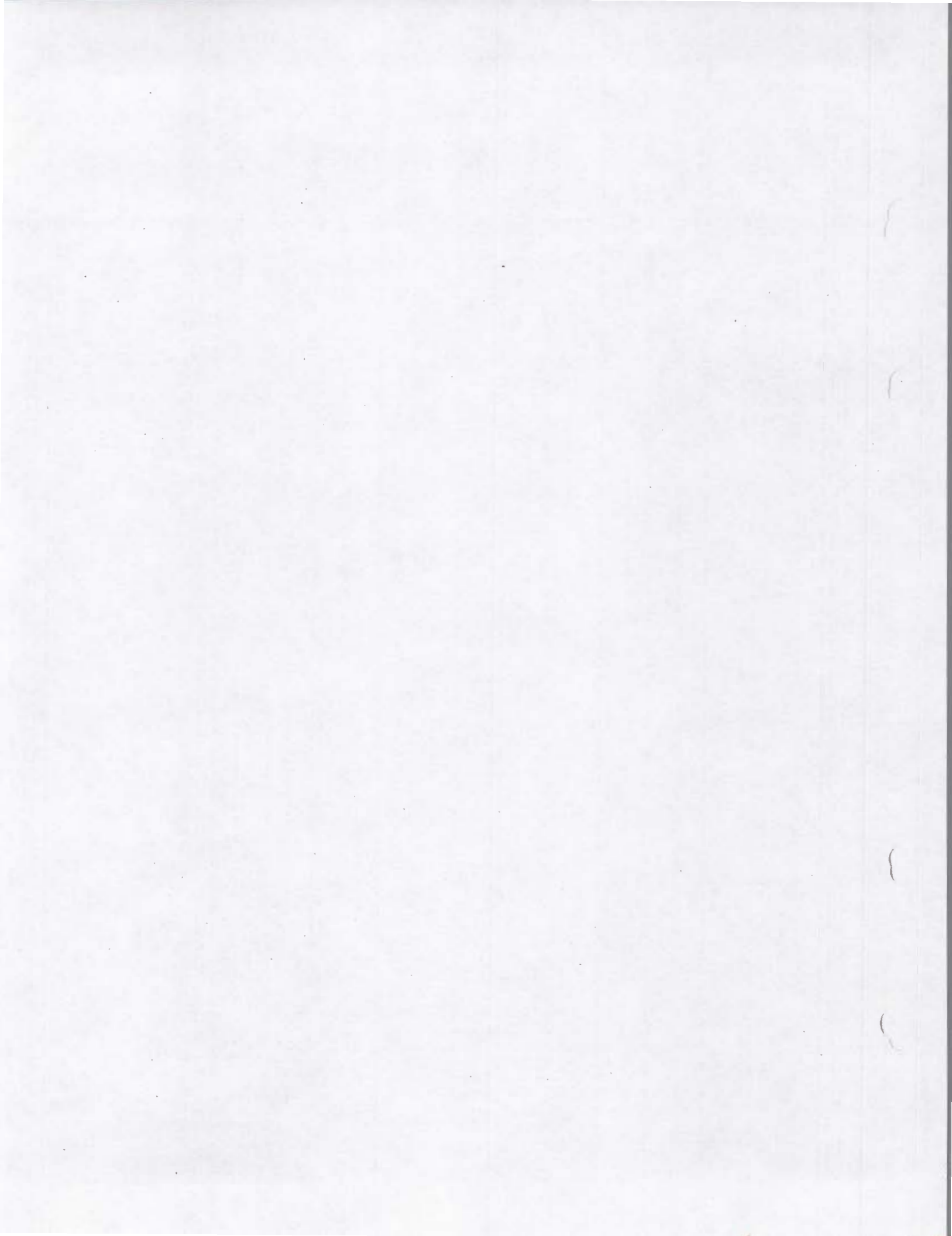
Grantee shall be governed by technical standards as may be established by the FCC from time to time.

SECTION VII - OPERATION AND MAINTENANCE OF SYSTEM

The Grantee shall render efficient service, make repairs promptly and interrupt service only for a good cause and for the shortest possible time.

SECTION IX - EMERGENCY USE OF FACILITIES

In the case of any emergency or disaster, the Grantee shall upon request of the Village Board make available its facilities to the Village for emergency use during the emergency or disaster. If the Village wishes to operate a Civil Emergency Alert System on a plan that is mutually acceptable to the Village and the Village provides Grantee with the necessary equipment for such system, Grantee will permit the system to be used on the cable system.



SECTION X - SAFETY REQUIREMENTS

The Grantee shall, at all times, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries or nuisances to the public.

SECTION XI - LIMITATIONS ON RIGHTS GRANTED

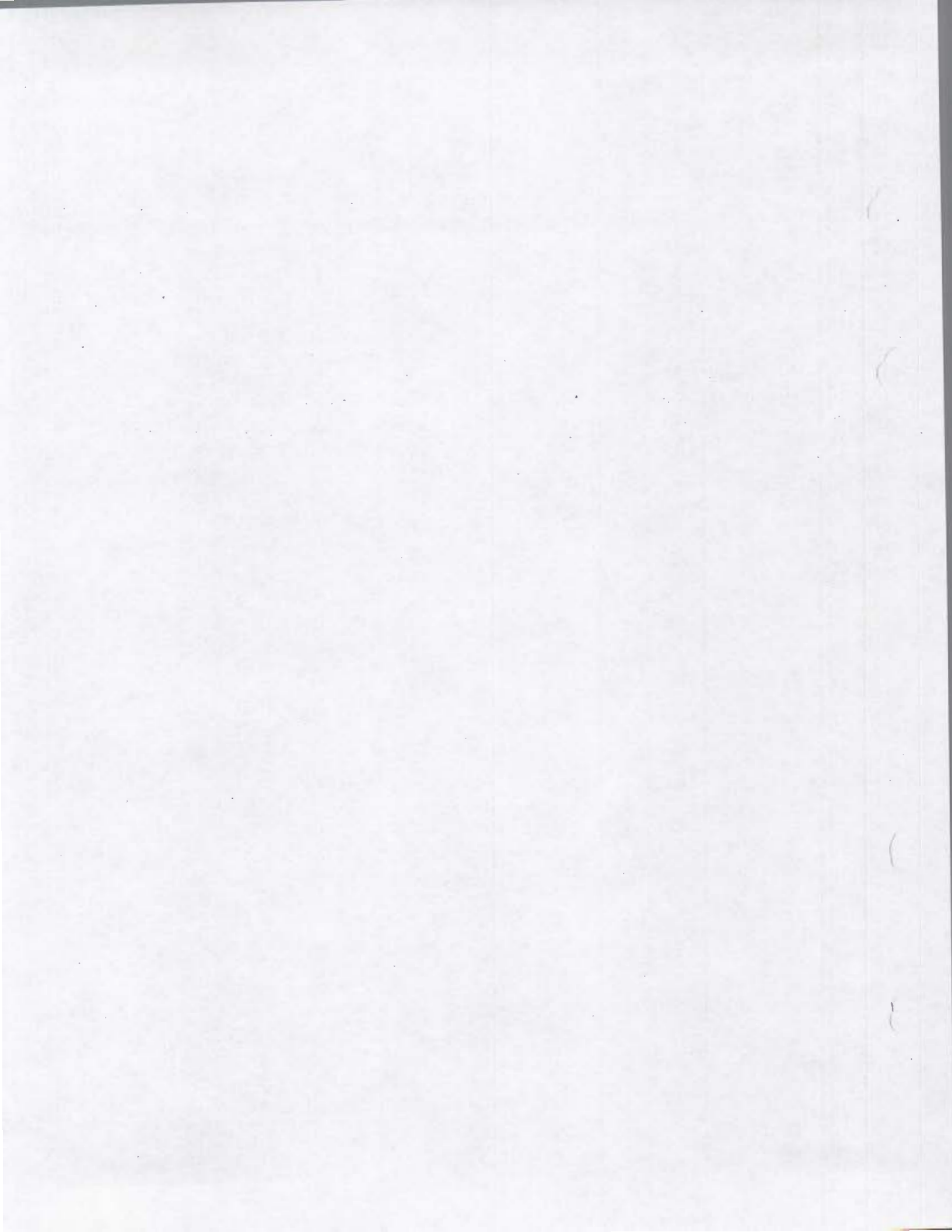
1. All transmission and distribution structures, lines and equipment erected by the Grantee within the Village shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places and said poles and towers shall be removed by Grantee whenever the Village Board reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places in the Village of Boyceville.
2. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, the National Electrical Code, and such applicable ordinances and regulations of the Village of Boyceville affecting electrical installation, which may be presently in effect, or changed by future ordinances.
3. The Grantee shall have the authority to trim trees and other vegetation in the right of way of streets, alleys, sidewalks and public ways and places of the Village so as to prevent interference or contact with the lines, wires and cables of the Grantee. This work will be done with good forestry practices.
4. The Grantee shall, in the case of disturbance of any street, sidewalk, alley, public way or paved area, restore same to its original condition, at Grantee's expense.

SECTION XII - OWNERSHIP AND REMOVAL OF FACILITIES

All cable and equipment for Cable Television Reception Service installed by Grantee at a subscriber's location shall remain the property of Grantee and Grantee shall have the right to remove said cable and equipment.

SECTION XIII - TRANSFER OF AGREEMENT

Upon construction of Grantee's Cable System, the Grantee may assign this Agreement to another person or corporation with approval of the Board, which approval will not be unreasonably delayed, conditioned or withheld.



SECTION XIV - DURATION AND RENEWAL OF AGREEMENT

The rights granted to Grantee herein shall, except as provided in this Section, terminate twenty (20) years from the effective date of this Ordinance and shall be subject to renewal pursuant to the provisions of the Cable Communications Policy Act of 1984, Section 626, applicable to new ordinances that are in the nature of a franchise. Pending final completion of renewal proceedings, the Ordinance shall remain in effect even if the original twenty (20) term has expired. If this Ordinance is not renewed or if it is revoked for cause by the Village, the transfer of the Cable System shall be governed by Section 627 of the Cable Communications Policy Act of 1984.

SECTION XV - MODIFICATIONS OF OBLIGATIONS

In addition to any other remedies provided by law or regulations Grantee's obligations under this Ordinance may be modified, at its request, in accordance with Section 625 of Cable Communications Policy Act of 1984 as it now exists, or as hereafter amended.

SECTION XVI - SEVERABILITY

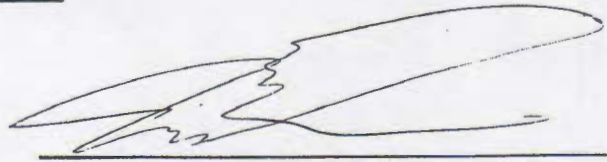
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction or is superseded or preempted by Federal Communications Commission regulations, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XL - FRANCHISE RENEWAL

The Grantee shall be a party to any proceedings related to the Cable System and any other proceedings in which its rights, privileges or interest would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules and regulations.

Effective Date Upon publication Aug.22, 2001

Attest C. J. Swanepoel
Clerk
C. J. Swanepoel


President
Michael M. Olson

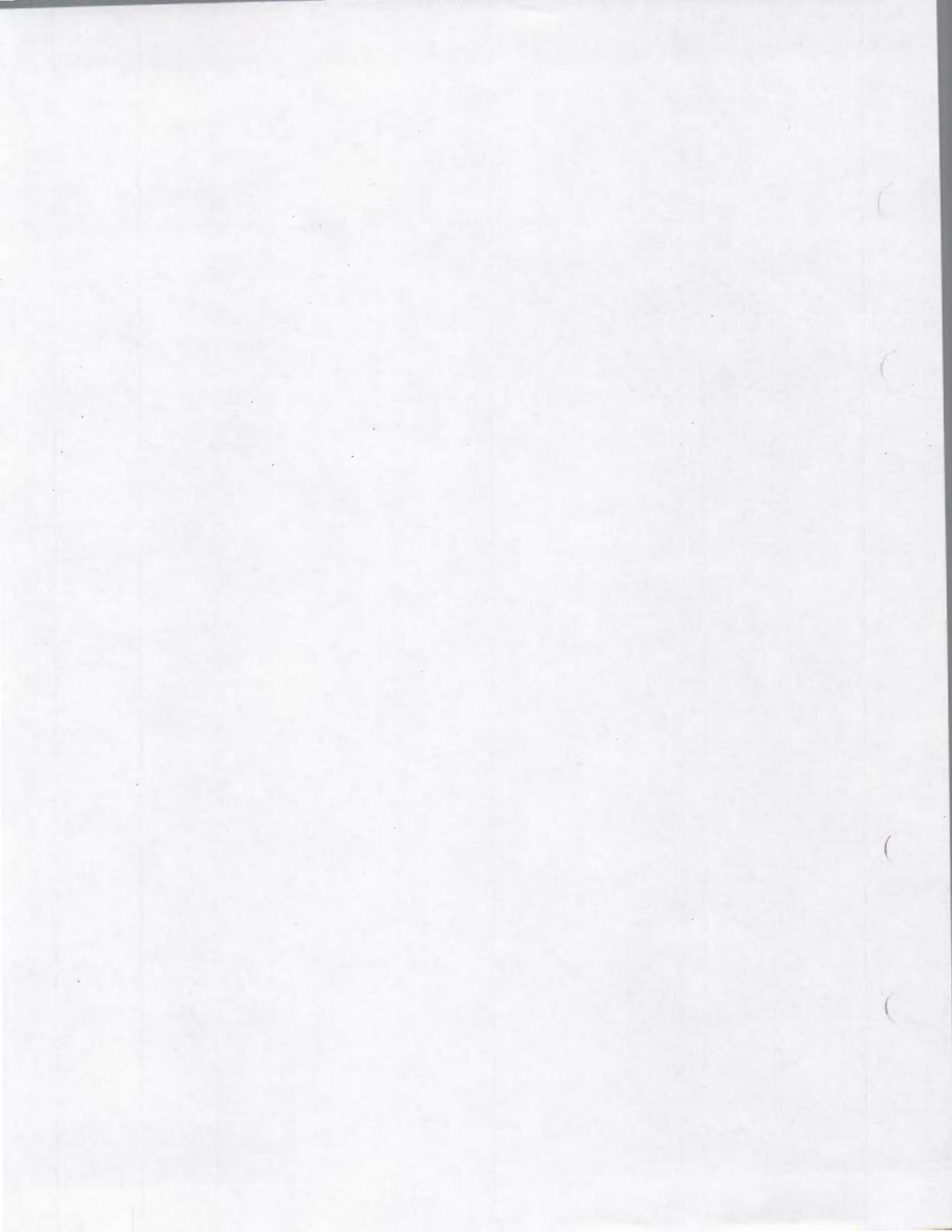
August 13, 2001

08-13-01
Date

TITLE 10

Motor Vehicles and Traffic

- | | |
|------------------|--|
| Chapter 1 | Traffic and Parking |
| Chapter 2 | Bicycles |
| Chapter 3 | Snowmobiles |
| Chapter 4 | All-Terrain Vehicles and Off-Road Motor
Vehicle Operation |
| Chapter 5 | Abandoned and Junked Vehicles |



Chapter 1

Traffic and Parking

Article A General Provisions

- 10-1-1 State Traffic Laws Adopted
- 10-1-2 State Administrative Code Provisions Adopted
- 10-1-3 Official Traffic Signs and Control Devices;
Prohibited Signs, Signals and Markers
- 10-1-4 Registration Record of Vehicle as Evidence
- 10-1-5 School Bus Warning Lights
- 10-1-6 Blue Warning Lights on Police Vehicles
- 10-1-7 Accident Reports
- 10-1-8 and
- 10-1-9 Reserved for Future Use

Article B Street Traffic Regulations

- 10-1-10 Operators to Obey Traffic Control Devices
- 10-1-11 Heavy Traffic Routes
- 10-1-12 Speed Limits
- 10-1-13 Through Streets
- 10-1-14 Locations of Traffic Control Devices
- 10-1-15 through
- 10-1-19 Reserved for Future Use

Article C Parking Regulations

- 10-1-20 Restrictions on Parking; Posted Limitations
- 10-1-21 Parking Restrictions During Street Maintenance or
Temporary Snow Removal
- 10-1-22 Stopping or Parking Prohibited in Certain Specified Places
- 10-1-23 Parking Reserved for Vehicles of Disabled
- 10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles With
Motor Running

- 10-1-25** Unattended Motorized Machinery
- 10-1-26** Angle Parking
- 10-1-27** Specific Parking Limitations
- 10-1-28** Parking of Vehicles Over 12,000 Pounds or 16 Feet Restricted
- 10-1-29** Unlawful Removal of Parking Citations
- 10-1-30** Operation of Motor Vehicles on Public Parking Lots
- 10-1-31** Removal of illegally Parked Vehicles
- 10-1-32** Inoperable, Wrecked or Discarded Vehicles
- 10-1-33** Traffic and Parking Regulations on School District Grounds
- 10-1-34 through**
- 10-1-39** Reserved for Future Use

Article D Miscellaneous Provisions

- 10-1-40** Disturbance of the Peace With a Motor Vehicle
- 10-1-41** Pedestrian Regulations
- 10-1-42** Motor Vehicles on Pedestrian Ways and Overpasses
- 10-1-43** School Crossing Guards
- 10-1-44** Driving Over Curbing or Safety Islands Prohibited
- 10-1-45** Airport Vehicle Regulations
- 10-1-46 through**
- 10-1-49** Reserved for Future Use

Article E Enforcement and Penalties

- 10-1-50** Penalties
- 10-1-51** Enforcement

Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Village of Boyceville, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 1995-96 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

Sec. 10-1-2 State Administrative Code Provisions Adopted.

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code - MVD 5	Standards for Motor Vehicle Equipment
Wis. Adm. Code - MVD 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code - MVD 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code - MVD 18	Protective Headgear Standards and Specifications
Wis. Adm. Code - MVD 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Safety Checks.**
- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) **Authority of Officer.** Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.
- (d) **Penalty.**
- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided

in Section 10-1-50, together with the costs of prosecution and applicable penalty assessment.

- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (a) **Duty of Director of Public Works to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Director of Public Works with the cooperation of the Village Board, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Village Board and Director of Public Works, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Village of Boyceville.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Director of Public Works shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Village any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).
- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Director of Public Works may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works to the Village Board for review

and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

Sec. 10-1-4 Registration Record of Vehicle as Evidence.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 School Bus Warning Lights.

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.
- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
 - a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.

- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

Sec. 10-1-7 Accident Reports.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70 of the Wisconsin Statutes, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f)

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and 346.73 of the Wisconsin Statutes specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

Sec. 10-1-8 and Sec. 10-1-9 Reserved for Future Use.

Article B: Street Traffic Regulations

Sec. 10-1-10 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

Sec. 10-1-11 Heavy Traffic Routes.

- (a) **Definition.** For purposes of this Section, heavy traffic shall be defined as:
- (1) All vehicles not operating completely on pneumatic tires, and
 - (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds.
- (b) **Prohibited Routes.** Heavy traffic is prohibited from using any Village of Boyceville street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Director of Public Works in cooperation with the Police Department shall administer this Section. Administration shall include:
- (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
 - (2) **Maps.** Maps of the Village showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
 - (3) **Construction Equipment.**
 - a. The Chief of Police may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic

routes. These permits may be granted only when use of a nondesignated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.

- b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village Streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.
- (e) **Streets Designated Class "B" Highways.** All streets and highways within the Village of Boyceville, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways are designated in Subsection (f) below:
- (f) **Heavy Traffic Routes.** The Village Board finds that the use of Village streets or highways by heavy traffic is resulting in damage to such streets and highways and is constituting a nuisance to Village residents who are attempting to use public or private property for lawful purposes. For the above reasons and pursuant to the authority granted in Sec. 349.17, Wis. Stats., and any amendments thereto, the Village Board hereby designates the following highways or parts thereof within the jurisdiction of the Village as heavy traffic routes:
 - (1) State Highway 170.
 - (2) State Highway 79.

State Law Reference: Sec. 349.17, Wis. Stats.

Sec. 10-1-12 Speed Limits.

The provisions of Sections 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein, except as modified:

- (a) **State Highway 170.** The speed limits on State Highway 170 shall be:
 - (1) Forty (40) m.p.h. from its intersection with East Street, westerly to its intersection with Duffy Street;
 - (2) Fifty-five (55) m.p.h. on all other portions of State Highway 170 within the Village limits.
- (b) **State Highway 79.** The speed limits on State Highway 79 shall be:
 - (1) Twenty-five (25) m.p.h. from the north line of State Highway 170, northerly to north side of Tiffany Creek bridge;
 - (2) Thirty-five (35) m.p.h. from the north side of the Tiffany Creek bridge northerly to the North Boundary of the Village limits.
 - (3) Thirty-five (35) m.p.h. from the south line of State Highway 170, southerly to 300 feet north to Charlotte Street;

- (4) Forth-five (45) m.p.h. from 300 feet south of Charlotte Street southerly to the 400 feet south of Bly Street.
- (5) Fifty-five (55) m.p.h. from 400 feet south of Bly Street southerly to the boundary of the Village limits
- (c) **Mobile Home Parks.** The speed limit in mobile home parks within the Village limits shall be ten (10) m.p.h.
- (d) **Within the Village.** The speed limits on all other streets and alleys within the Village limits shall be as set forth in Sec. 346.57, Wis. Stats., unless otherwise established and posted as prescribed by Section 10-1-14.

Sec. 10-1-13 Through Streets.

- (a) **Through Streets Designated.** The following streets in the Village, in the interest of public safety, are hereby declared to be through streets:
 - (1) The entire length of State Highway 170 through the corporate limits of the Village.
 - (2) The entire length of State Highway 79 through the corporate limits of the Village.
- (b) **Crosswalks on Through Streets.** Crosswalks markings shall be erected, installed and painted by the Street Department in Accordance with rules of the Wisconsin Department of Transportation for crosswalks in the following locations:
 - (1) Intersection of East Street or State Highway 79 and Tiffany Street as follows: Crossing East Street east and west, from the south side of Tiffany Street and; crossing Tiffany Street north and south, from the west side of East Street.
 - (2) On East Street or State Highway 79 at the northerly Village limits, adjacent to Tiffany Creek Elementary School, commencing at the east side of East Street, westerly to the west side of East Street.
 - (3) Intersection of Tiffany Street and Winter Street adjacent to Boyceville Community High School as follows: Crossing Winter Street east and west, from the south side of Tiffany Street and; crossing Tiffany Street north and south, from the west side of Winter Street.
 - (4) Intersection of State Highway 170 crossing north and south, at East Street, Winter Street, Race Street, Center Street and Pafko Park.

Sec. 10-1-14 Location of Traffic Control Devices.

- (a) **Stop Signs.** Official stop signs requiring every vehicle to stop before entering the intersection, controlling the following traffic:

Location	Traffic
(1) On Airport Camp exit at State Highway 79	Westbound
(2) On Andy Pafko Park exit at State Highway 170	Northbound

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| (3) On Ash Street at Tiffany Street | Northbound |
| (4) On Ash Street at Main Street | Southbound |
| (5) On Bly Street at State Highway 79 | Eastbound |
| (6) On Center Street at Main Street | Northbound |
| (7) On Center Street at Main Street | Southbound |
| (8) On Center Street (County Highway "O") at State Highway 170 | Northbound |
| (9) On Center Street at State Highway 170 | Southbound |
| (10) On Center Street at Tiffany Street | Northbound |
| (11) On Charlotte Street at State Highway 79 | Eastbound |
| (12) On Charlotte Street at East Street | Westbound |
| (13) On Dale Street at Center Street (County Highway "K") | Westbound |
| (14) On Donald Street at Charlotte Street | Northbound |
| (15) On Duffy Street at State Highway 170 | Southbound |
| (16) On East Boundary Road at State Highway 170 | Northbound |
| (17) On East Boundary Road at State Highway 170 | Southbound |
| (18) On East Boundary Road at Tiffany Street | Northbound |
| (19) On East Street at State Highway 170 | Northbound |
| (20) On Edwynna Street at Granbakken Way | Southbound |
| (21) On Evenson Road at State Highway 79 (East Street) | Eastbound |
| (22) On First Street at Center Street (County Highway "K") | Westbound |
| (23) On First Street at East Street | Eastbound |
| (24) On First Street at Race Street | Eastbound |
| (25) On First Street at Race Street | Westbound |
| (26) On First Street at Winter Street | Westbound |
| (27) On First Street at Winter Street | Eastbound |
| (28) On Granbakken Court at Granbakken Way | Southbound |
| (29) On Granbakken Way at State Highway 79 (East Street) | Eastbound |
| (30) On Hedlund Street at State Highway 79 (East Street) | Westbound |
| (31) On Horseshoe Drive (east side) at Charlotte | Southbound |
| (32) On Horseshoe Drive (west side) at Charlotte | Southbound |
| (33) On John Street at Center Street (County Highway "K") | Westbound |
| (34) On Lud Street at Charlotte Street | Northbound |
| (35) On Lynita Lane at Duffy Street | Westbound |
| (36) On Main Street at State Highway 79 (East Street) | Eastbound |
| (37) On Main Street at State Highway 79 (East Street) | Westbound |
| (38) On Mobile Avenue at East Street | Westbound |
| (39) On Mobile Avenue at Charlotte Street | Southbound |
| (40) On Race Street at First Street | Northbound |
| (41) On Race Street at First Street | Southbound |

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| (42) | On Race Street at Main Street | Southbound |
| (43) | On Race Street at State Highway 170 | Northbound |
| (44) | On Race Street at Second Street | Northbound |
| (45) | On Race Street at Second Street | Southbound |
| (46) | On Race Street at Tiffany Street | Northbound |
| (47) | On River Road at Duffy Street | Westbound |
| (48) | On St. John's Street at State Highway 170 | Northbound |
| (49) | On St. Luke's Street at Center Street (County Highway "K") | Westbound |
| (50) | On Second Street at Center Street (County Highway "K") | Westbound |
| (51) | On Second Street at East Street | Eastbound |
| (52) | On Second Street at Race Street | Westbound |
| (53) | On Second Street at Race Street | Eastbound |
| (54) | On Second Street at Winter Street | Westbound |
| (55) | On Second Street at Winter Street | Eastbound |
| (56) | On Smith Street at State Highway 170 | Southbound |
| (57) | On Speedway Street at State Highway 170 | Northbound |
| (58) | On Stanley Street at Main Street | Southbound |
| (59) | On Stanton Road at Center Street (County Highway "K") | Eastbound |
| (60) | On State Highway 79 (East Street) at State Highway 170 | Southbound and |
| | | turning west |
| (61) | On State Highway 79 (East Street) at State Highway 170 | Southbound |
| | | and turning |
| | | east |
| (62) | On State Highway 79 (northbound) at State Highway 170 | Northbound |
| | | and turning |
| | | west |
| (63) | On State Highway 79 (northbound) at State Highway 170 | Northbound |
| | | and turning |
| | | east |
| (64) | On Tiffany Street at State Highway 79 (East Street) | Westbound |
| (65) | On Tiffany Street at State Highway 79 (East Street) | Eastbound |
| (66) | On Vano Street at Center Street (County Highway "K") | Westbound |
| (67) | On West Street at County Highway "O" | Northbound |
| (68) | On West Street at State Highway 170 | Southbound |
| (69) | On Wilson Street at Tiffany Street | Northbound |
| (70) | On Winter Street at First Street | Northbound |
| (71) | On Winter Street at First Street | Southbound |
| (72) | On Winter Street at Main Street | Southbound |
| (73) | On Winter Street at Tiffany Street | Northbound |
| (74) | On Winter Street at State Highway 170 | Northbound |

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| (75) | On Winter Street at Second Street | Southbound |
| (76) | On Tiffany Street at Winter Street controlling traffic eastbound | |
| (77) | On Tiffany Street at Winter Street controlling traffic westbound | |
| (78) | On Edwyna Avenue at Nordvien Drive | Northbound |
| (79) | On Range Road at Nelson Drive | Northbound |
| (80) | On Anderson Hill Lane at Highway 79 | Westbound |

(b) **Stop Signs on Undesignated Streets.**

Location	Traffic
(1) Tiffany Creek Elementary south entrance	Westbound
(2) Tiffany Creek Elementary north entrance	Westbound
(3) National Bank of Boyceville south entrance	Westbound
(4) National Bank of Boyceville north entrance	Northbound
(5) Boyceville High School driveway	Southbound
(6) Boyceville Community Center east exit	Eastbound

(c) **Yield Signs.** Official yield signs, requiring every vehicle to yield the right-of-way to any other vehicle approaching the intersection from a difference direction, shall be installed and maintained at the following location, controlling traffic approaching such intersection in the following directions:

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| (1) On Donald Street at Bly Street | Southbound |
| (2) On Nelson Drive at Anderson Hill Lane | Southerly |

(d) **No Passing Signs.** Official traffic control signs prohibiting vehicles from overtaking and passing other vehicles proceeding in the same direction shall be installed and maintained at the following locations, controlling traffic moving in the following direction:

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| (1) On State Highway 170 at east Village limit | Westbound |
| (2) On State Highway 170 at State Highway 79 (south) | Westbound |
| (3) On State Highway 170 just east of County Highway "O" | Westbound |
| (4) On State Highway 170 just east of Duffy Street | Westbound |
| (5) On State Highway 170 at Speedway Street | Eastbound |
| (6) On State Highway 170 just west of East Boundary Road | Eastbound |
| (7) On State Highway 79 two hundred (200) feet south of Charlotte Street | Northbound |
| (8) On State Highway 79 three hundred (300) feet north of Bly Street | Southbound |
| (9) On State Highway 79 (north), at north Village limit | Southbound |

(e) **Pedestrian Crossing Signs.** Official traffic control signs requiring vehicles to stop for any pedestrians in the marked crosswalk shall be installed and maintained at the following locations, controlling traffic moving in the following directions:

Location	Traffic
(1) On Tiffany Street, 500 block	Eastbound
(2) On Tiffany Street, 600 block	Westbound
(3) On State Highway 79, at Tiffany Street intersection	Southbound
(4) On State Highway 79 between Granbakken and south driveway of Tiffany Creek Elementary School	Northbound
(5) On State Highway 79 at the south driveway of Tiffany Creek Elementary	Southbound
(6) On State Highway 170, 700 block of Railroad Avenue	Westbound
(7) On State Highway 170, west of Pafko Park	Eastbound
(8) On State Highway 79, just south of Main Street	Northbound
(f) Do Not Enter Signs. Official traffic control signs prohibiting vehicles from entering and moving upon the roadway shall be installed and maintained at the following locations, controlling traffic moving in the following direction:	
(1) On State Highway 170 at State Highway 79 (south)	Southbound
(2) On State Highway 170 at State Highway 79 (north)	Northbound
(g) Miscellaneous Advisory Signs. The following official traffic control signs shall be installed and maintained at the following locations, controlling traffic moving in the following direction:	
(1) On State Highway 170 at the Tiffany Cemetery	Westbound
(h) Universal Crossing.	
(1) On West Main Street, 100 block	Westbound
(2) On East Street at Main Street	Northbound
(3) On West Street, at south side of railroad track	Northbound
(4) On the west side of Center Street, at State Highway 170	Southbound
(5) On the west side of East Boundary Road, just north of railroad track	Southbound
(6) On the east side of East Boundary Road, just south of railroad track	Northbound
(7) On State Highway 170, at Center Street intersection ("T" sign)	Northbound
(8) On State Highway 170, just east of East Street intersection, ("T" sign)	Northbound

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- (9) On Duffy Street, at north side of railroad track Southbound
- (10) On Duffy Street, at South Highway 170 intersection Northbound

(i) One Way.

- (1) On Airport Drive in Airport Park Southbound

(j) Speed Limit and Speed Zone Signs. Official traffic control signs regulating and restricting the speed at which vehicles may be driven shall be installed and maintained at the following locations, controlling traffic moving in the following direction:

(1) Ten (10) M.P.H.

Location	Traffic
a. On John Street	Eastbound
b. On Dale Street	Eastbound
c. On Mobile Avenue at East Street	Eastbound
d. On Mobile Avenue at Charlotte Street	Northbound
e. Horseshoe Drive east entrance	Northbound
f. Horseshoe Drive west entrance	Northbound

(2) Fifteen (15) M.P.H. When Children are Present – Twenty-five (25) M.P.H. Other Times.

a. On Tiffany Street, 500 block	Eastbound
b. On Tiffany Street, 600 block	Westbound
c. On Tiffany Street, 700 block	Eastbound
d. On Tiffany Street, 800 block (2)	Eastbound and Westbound
e. On Tiffany Street, 900 block	Westbound
f. On Donald Street, at Bly Street	Northbound
g. On Donald Street, at Charlotte Street	Southbound
h. On Granbakken Way, 400 block	Eastbound
i. On Granbakken Way, 600 block	Westbound
j. On Nelson Drive	Eastbound and Westbound
k. On Anderson Hill Lane	Eastbound and Westbound
l. On Sykora Lane	Eastbound and Westbound
m. On Peterson Street	Eastbound and Westbound
n. On Main Street from Wilson Street to East Street	Eastbound and Westbound

(3) Twenty-five (25) M.P.H.

a. On Center Street, 400 Block	Southbound
b. No longer a sign 6/93	
c. On Center Street, 600 block	Northbound
d. On Center Street, 700 block	Southbound
e. On Center Street, 1300 block near Vano Street	Northbound
f. No longer a sign 6/93	

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| g. | No longer a sign 6/93 | |
| h. | On Charlotte Street, at East Street | Eastbound |
| i. | On East Street, at Main Street | Northbound |
| j. | On Main Street, 100 block (2) | Westbound |
| k. | On Main Street, 100 block (2) | Eastbound |
| l. | On Main Street, 200 block | Eastbound |
| m. | On Main Street, 400 block | Eastbound |
| n. | On Main Street, 200 block | Westbound |
| o. | On Main Street, 600 block | Westbound |
| p. | On Tiffany Street, at Center Street | Westbound |
| q. | On Tiffany Street, at Industrial Park (3) | Northbound
south and
west |
| r. | On Tiffany Street, west of East Boundary Road | Westbound |
| s. | On West Street, 400 block | Southbound |
| t. | On West Street, 400 block | Northbound |
| u. | On State Highway 79 (north), at Tiffany Street | Southbound |
| v. | On State Highway 79 (north), at north end of
bridge | Southbound |
| w. | On Range Road, all directions, from Nelson Drive to its terminus | |

(4) **Thirty-five (35) M.P.H. — Fifteen (15) M.P.H. When Children Are Present.**

- | <i>Location</i> | <i>Traffic</i> |
|--|----------------|
| a. On State Highway 79, at northline of Tiffany Creek Bridge | Northbound |
| b. On State Highway 79, 200 feet south of north Village limits | Southbound |
| c. On State Highway 79, 200 feet north of Granbakken | Southbound |
| d. From Lot 1 of Certified Survey Map #13 on State Highway 170 | Southbound |
| e. From Lot 4 of Certified Survey Map #1324 on State Highway 79. | Eastbound |

(5) **Thirty-five (35) M.P.H.**

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|----|---|-----------------|
| a. | On Center Street, 1300 Block by Vano Street | Southbound |
| b. | On Center Street, 1400 Block by Vano Street | Northbound |
| c. | On Stanton Road, from Center Street to its terminus | All directions |
| d. | On State Highway 170, from Park Street east to State Highway 79 South | East/west bound |

(6) **Forty (40) M.P.H.**

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|----|--------|--|
| a. | Vacant | |
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| b. | Vacant | |
| c. | Vacant | |
| d. | On State Highway 170, 100 yards west of West Street | West/East bound |
| e. | On State Highway 170, at Duffy Street | Eastbound |
| f. | On State Highway 170, west of West Street | Eastbound |
| g. | On State Highway 180, at St. John Street | Eastbound |
| h. | On State Highway 170, at Pafko Park | Eastbound |
| i. | Vacant | |
| j. | Vacant | |
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 | | |
| (7) | Forty-five (45) M.P.H. | |
| a. | On State Highway 79 (north) at Village limits | Northbound |
| b. | On West Street, following curve past Fred Seegers | Southbound |
| c. | On West Street, 1400 block | Northbound |
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| (8) | Fifty-five (55) M.P.H. | |
| a. | On State Highway 170, at State Highway 79 (south) | Eastbound |
| b. | On State Highway 170, at Speedway Street (curve) | Eastbound |
| c. | On State Highway 79 (south), at State Highway 170 | Southbound |
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| (k) | Reduced Speed. | |
| a. | On State Highway 170 just west of east Village limit (curve) | Westbound |
| b. | On State Highway 170 just west of intersection with State Highway 79 (south) — reduced to 40 | Eastbound |
| c. | On State Highway 170 at Tiffany Cemetery — reduce to 50 m.p.h. (curve) | Westbound |
| d. | On State Highway 79 at Tiffany Cemetery — reduce to 40 m.p.h. | Eastbound |
| e. | On State Highway 79 (north) at north Village limit — reduced to 45 m.p.h. | Southbound |
| f. | On West Street at south Village limits | Northbound |
| g. | On West Street, Sec 35 NW SW | Northbound |
| h. | On Center Street, at south Village limits | Northbound |
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 | | |
| (l) | End of Speed Zone. | |
| a. | On State Highway 170 at Duffy Street | Westbound |
| b. | On Center Street at south Village limit boundary | Southbound |
| c. | On West Street at south Village limit boundary | Southbound |

(m) **Slow — Children at Play.**

Location

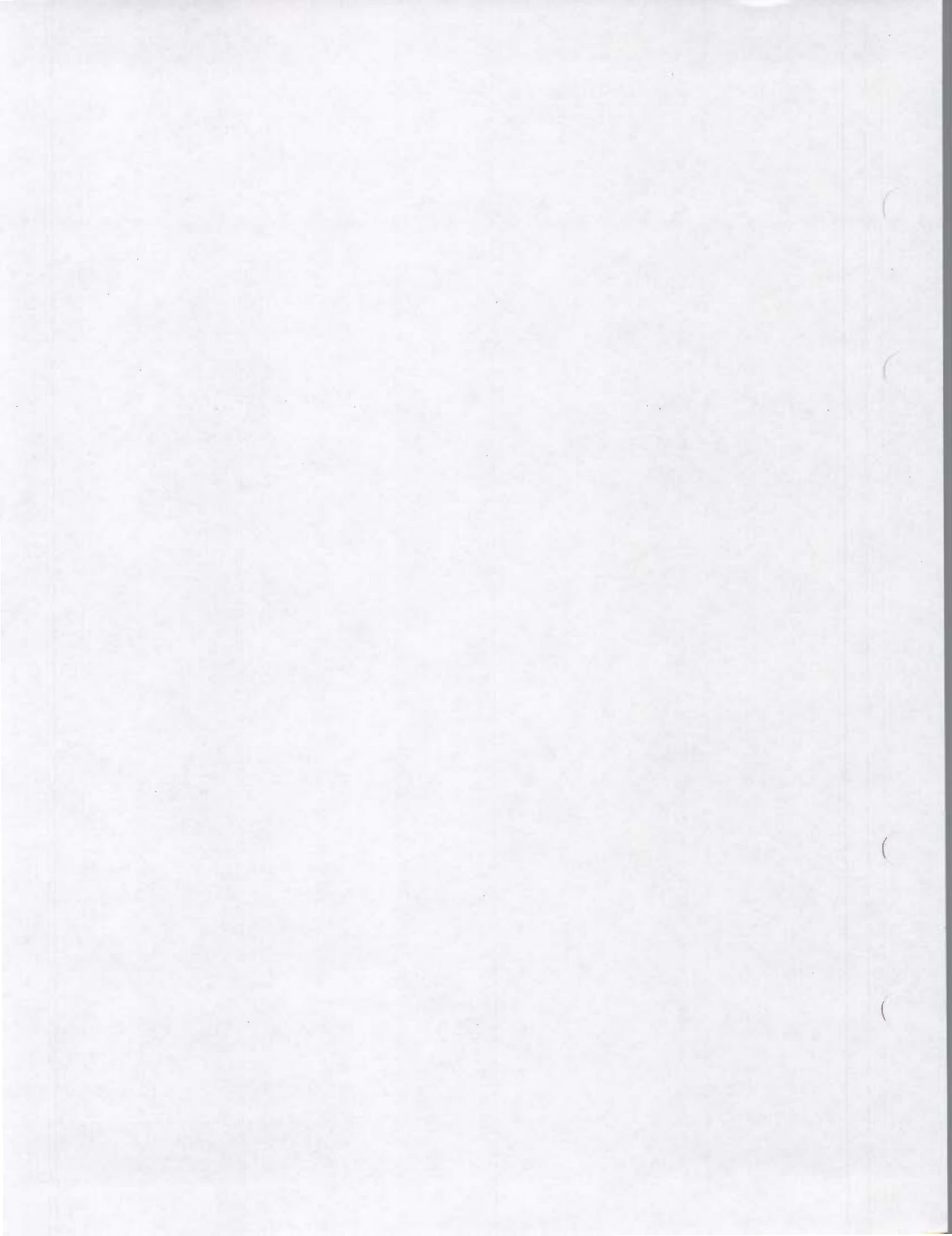
- a. On Tiffany Street, 700 block
- b. On Mobile Avenue
- c. On Mobile Avenue
- d. On John Street
- e. On Dale Street

Traffic

- Eastbound
- Northbound
- Southbound
- Eastbound
- Eastbound

Sec. 10-1-15 through Sec. 10-1-19

Reserved for Future Use.



(m) Slow – Children at Play.

Location	Traffic
a. On Tiffany Street, 700 block	Eastbound
b. On Mobile Avenue	Northbound
c. On Mobile Avenue	Southbound
d. On John Street	Eastbound
e. On Dale Street	Eastbound.

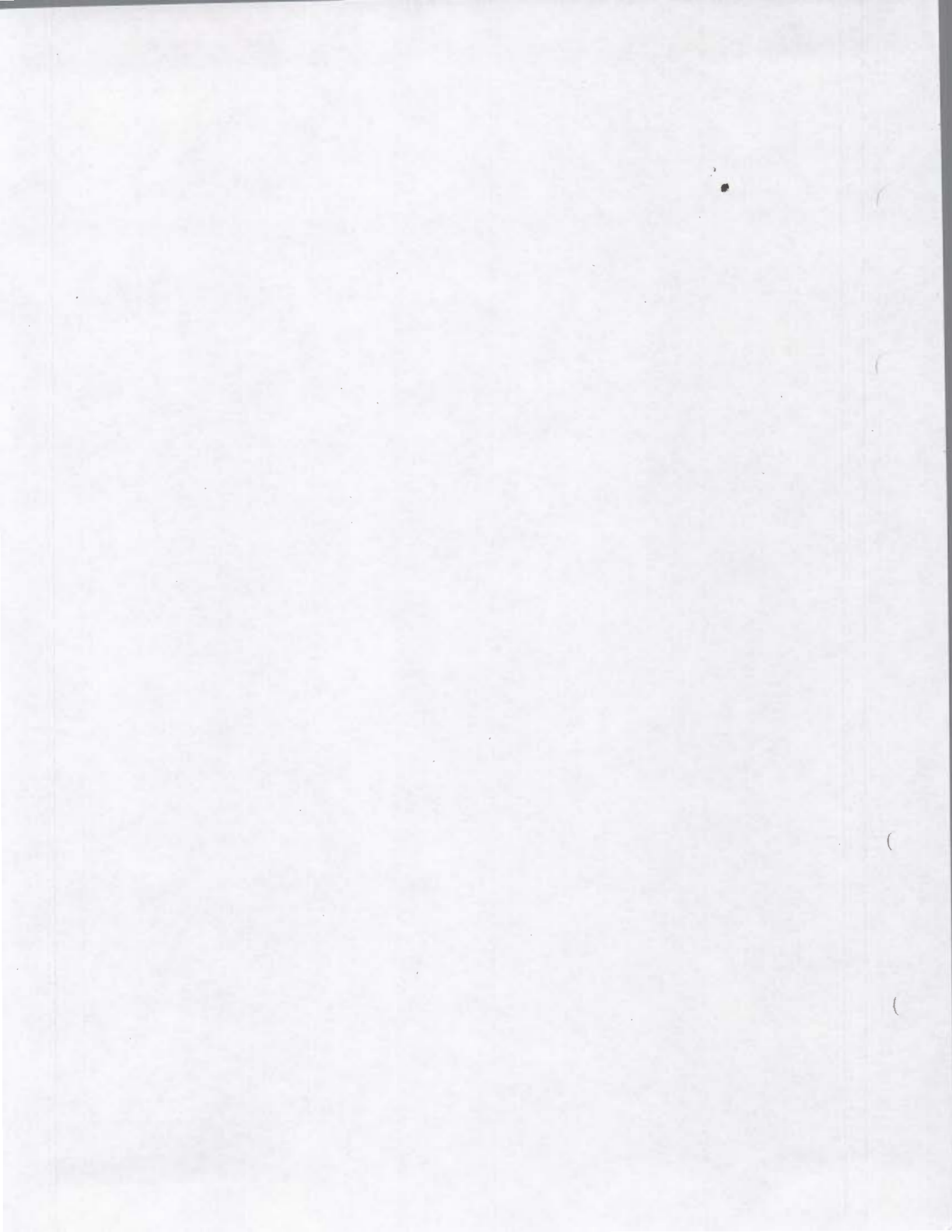
SEC. 10-1-15 Compression Braking.

(a) **Definition.** A compression brake, commonly referred as a "Jacobs" brake, "Jake" brake, engine break or dynamic braking device, means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of or in addition to wheel brakes.

(b) **Use Prohibited.** No person shall use a motor vehicle within the Village limits where the compression brake is in any way engaged or activated on such motor vehicle or any unit which is a part thereof except for the aversion of imminent danger.

(c) **Penalty Division.** A penalty shall be imposed pursuant to Sec. 10-1-50 of this chapter.

SEC. 10-1-16 through Sec. 10-1-19 Reserved for Future Use.



Article C: Parking Regulations

Sec. 10-1-20 Restrictions on Parking; Posted Limitations.

- (a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the Village of Boyceville for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Village Board shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-21 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Street Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking—Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** Pursuant to the provisions of Subsection 349.13, Wis. Stats., the Chief of Police is authorized to direct that temporary "No Parking" signs be erected by the Director of Public Works during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Village roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.

Sec. 10-1-22 Stopping or Parking Prohibited in Certain Specified Places.

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.
 - (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.

- (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the Village limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the Village at any time.
 - (14) In a loading zoning.
 - (15) Within six (6) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village of Boyceville for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.
 - (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - b. The owner of the vehicle is on the premises or resides there; and
 - c. The vehicle displayed for sale is parked entirely on the premises; and

- d. The premises contains only one (1) vehicle displayed for sale; and
 - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.
- (e) **Vending From Parked Vehicles Restricted.** There shall be no parking on any street or portion thereof by any vehicle from which the operator or owner is engaged in vending goods, wares or merchandise, unless licensed to do so by the Village.

Sec. 10-1-23 Parking Reserved for Vehicles of Disabled.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

Sec. 10-1-24 Leaving Keys in Vehicle Prohibited; Parking Vehicles with Motor Running.

- (a) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (b) **Parking Vehicles With Motor Running.** Except in a truck parking area, no person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village of Boyceville between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 10-1-25 Unattended Motorized Machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

Sec. 10-1-26 Angle Parking.

- (a) Angle parking or parking diagonally is prohibited on all streets, alleys and highways of the Village except as provided herein. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-27 Parking Limitations.

- (a) **Winter Parking.** No person shall park any vehicle between 2:00 a.m. and 7:00 a.m. on any street within the Village limits between the calendar dates of November 1st and April 1st.
 - (1) **Exception.** Parking is allowed on Race Street from the north side of its intersection with Main Street to the south side of its intersection with Tiffany Street. Parking thereon shall be odd/even calendar date parking from November 1 to April 1 between 2:00 a.m. and 7:00 a.m.
 - (2) **Exception.** Parking is prohibited on Main Street from East Street to Center Street between the hours of 3:00 a.m. and 7:00 a.m. between the calendar dates of November 1st and April 1st.
- (b) **Post Office Parking.** No person shall park any vehicle in front of the post office on Main Street for a longer period of time than five (5) minutes between the hours of 9:00 a.m. and 5:00 p.m. except on Sundays, New Year's Day, Memorial Day, Thanksgiving Day and Christmas Day.
- (c) **Mailbox Parking.** No person shall park any vehicle on any street within the Village of Boyceville, at anytime in front of mailboxes, between the hours of 6:00 a.m. and 5:00 p.m., except on Sundays, New Year's Day, Memorial Day, Thanksgiving Day and Christmas Day.
- (d) **Truck Parking Prohibited Zone.** No person shall park a truck with a gross weight of more than twelve thousand (12, 000) pounds, as determined by the vehicle registered license, on East Street between the railroad track and Evenson Road, at anytime.
- (e) **Miscellaneous Parking Restrictions.**
 - (1) No person shall park any vehicle at anytime on East Street, on the east and west side, from the north line of State Highway 170 to the south line of Main Street, and from the north line of Tiffany Street to the south line of Tiffany Creek Bridge.
 - (2) No person shall park any vehicle on the north and south side of Tiffany Street, commencing from the intersection of East Street or State Highway 79, easterly for a distance of four hundred (400) feet, except for authorized vehicles loading and unloading products and supplies, necessary for the complete and productive operation of Allied Processor's Inc.

(3) Parking of any vehicle is prohibited on both sides of Hedlund Street from Highway 79 (East Street) easterly to the west line of property owned by the Boyceville Community School District/maintenance garage.

(4) No person shall park any vehicle on the north or south side of Tiffany Street from STH #79 on the east to Race Street on the west. This prohibition shall apply only during and between the hours of 7:00 a.m. and 4:00 p.m. when the public school is in session. Provided however four (4) handicap parking spaces shall be provided and signed on the north side of Tiffany Street near the southeast corner of the school building.

(5) No person shall park any vehicle at anytime on the east side of Center Street from the alley between Center Street and Main Street to the south for a distance of 20 feet.

Sec. 10-1-28 Parking of Vehicles Over 12,000 Pounds or 16 Feet Restricted.

- (a) **Street Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus or recreation vehicle or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty (20) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way in the Village of Boyceville in areas zoned residential or primarily residential in nature. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue or public way in the Village for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. In addition, operators of such regulated trucks may stop and park in such residential areas for a period not to exceed one (1) hour. The Village Board may, however, designate specific truck parking zones.
- (b) **Removal.** Any vehicle unlawfully parked under Subsection (a) and (b) above, may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-31, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.

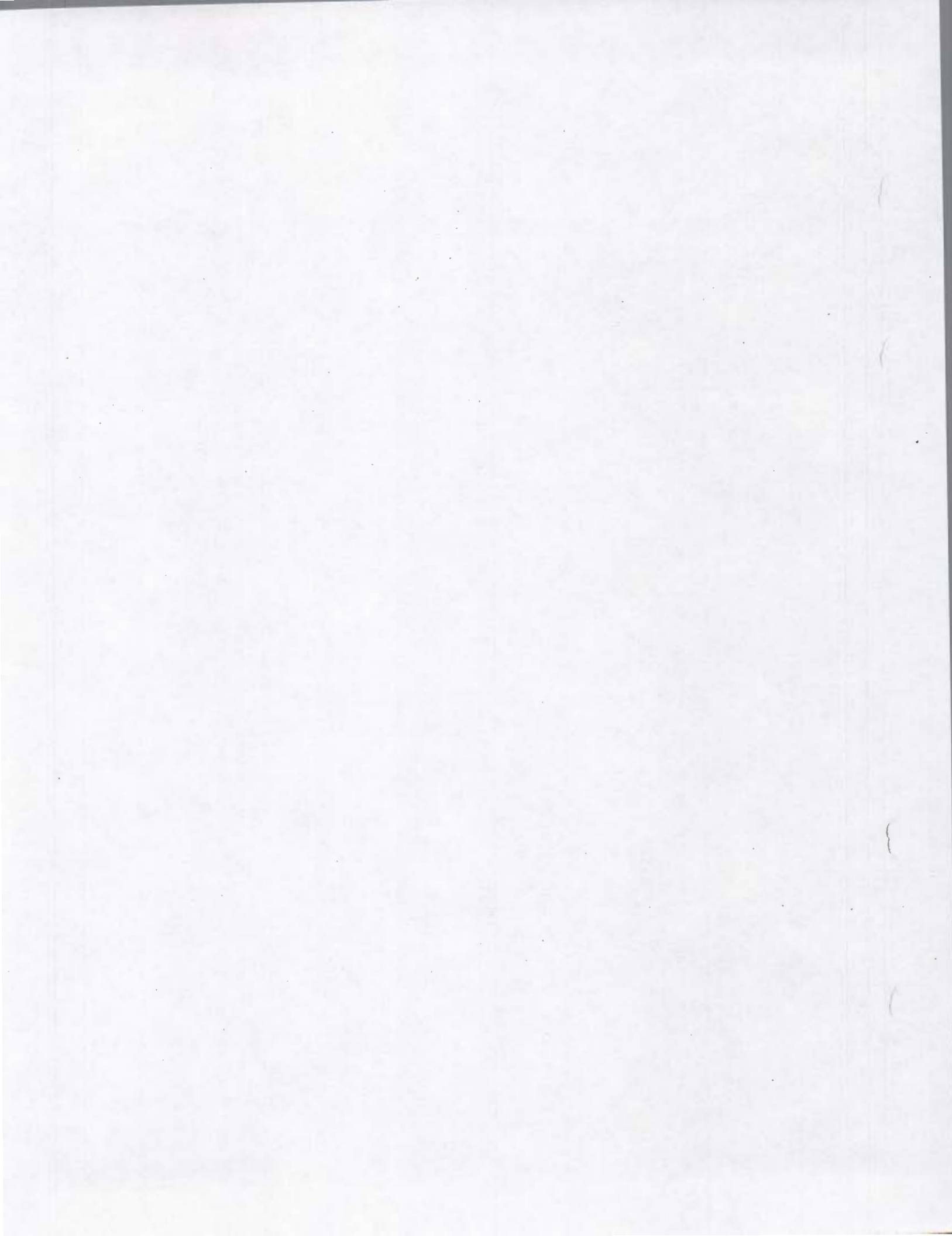
Cross-Reference: Section 10-1-24(b).

Sec. 10-1-29 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a Village parking ticket from a motor vehicle.

Sec. 10-1-30 Operation of Motor Vehicles on Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.



Sec. 10-1-31 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

Sec. 10-1-32 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within forty-eight (48) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-31.
- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village of Boyceville.

Cross-Reference: Section 10-5-1.

Sec. 10-1-33 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Public School District located within the Village of Boyceville:

- (a) **Parking.** No person shall park any vehicle in any vehicular traveling area or parking area of the School District, except in conformity with posted parking regulations set forth for such vehicular travel and parking areas.
- (b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of ten (10) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-33-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.
- (e) **Miscellaneous Rules.**
 - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
 - (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

SEC. 10-1-34 Truck Parking Lot.

- (a) **Parking Prohibited.** No person shall park, stop or leave standing any vehicle at, on or upon the Village of Boyceville Truck Parking Lot located adjacent to State Highway 79 and the Airport Travel Trailer Park, without first having obtained a parking permit from the Village of Boyceville.

(b) **Permitted Uses.** A parking permit shall be obtained from the Village of Boyceville Clerk upon payment of the following fees:

1. Monthly Permit.
 - a. \$10.00 without electrical hook-up
 - b. \$20.00 with electrical hook-up
2. Annual Permit.
 - a. \$120.00 without electrical hook-up
 - b. \$240.00 with electrical hook-up

(c) **Penalties.**

1. Any person who violates subsection (a) above shall be subject to a forfeiture of \$50.00. Each and every day of violation shall constitute a separate offense for which a forfeiture may be imposed.

2. Any person who violates the terms of the permit issued under subsection (b) shall be subject to a forfeiture of \$50.00. Each and every day of violation shall constitute a separate offense for which a forfeiture may be imposed.

SEC. 10-1-35 through 10-1-39 reserved for future use.

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Article D: Miscellaneous Provisions

Sec. 10-1-40 Disturbance of the Peace With a Motor Vehicle.

- (a) **Unnecessary Noise Prohibited.**
- (1) **Unnecessary Noise.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the Village of Boyceville.
 - (2) **Mufflers.** Every motor vehicle operated upon a public way shall be equipped with a muffler in good and proper working order and be in constant operation so as to prevent excessive or unusual noise or annoying exhaust smoke.
 - (3) **Use of Devices.** No person shall use or place upon any motor vehicle to be operated upon a public way any muffler cut-out, bypass or similar device. No device shall be used on any motor vehicle operated upon the public way to create unnecessary noise and disturbance.
- (b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the Village.
- (c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (d) **Disorderly Conduct with a Motor Vehicle.**
- (1) **Conduct Prohibited.** No person shall, within the Village of Boyceville, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
 - (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.
- (e) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.

- (f) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:
- (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (g) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.

Sec. 10-1-41 Pedestrian Regulations.

- (a) **Pedestrian Obedience to Traffic Control Devices and Regulations.**
- (1) **Obedience to Traffic Control Devices.** No person shall fail to obey the instructions of any Uniform Traffic Control Device when traveling as a pedestrian on any highway within the Village of Boyceville unless otherwise directed by a law enforcement officer.
 - (2) **Crossing at Crosswalks.** No pedestrian shall cross at a crosswalk except on the right half thereof whenever practicable. Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent roadway except when the sidewalk is visibly unsafe, obstructed or closed to public travel.
- (b) **Prohibited Pedestrian Crossings.** No pedestrian shall cross between adjacent intersections, unless such crossing is permitted by Official Traffic Control Devices.

Sec. 10-1-42 Motor Vehicles on Pedestrian Ways and Overpasses.

No person shall operate or park any motor vehicle on any pedestrian way or pedestrian overpass within the Village of Boyceville except municipal or county maintenance vehicles.

Sec. 10-1-43 School Crossing Guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-44 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the Village of Boyceville.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island.

Sec. 10-1-45 Airport Vehicle Regulations.

- (a) **Definition of Words and Phrases.** In this Section:
 - (1) **Pedestrian.** Any person afoot.
 - (2) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn excepting aircraft.
 - (3) **Emergency Equipment.** Crash, fire and rescue, or police motor vehicles and such other equipment as the airport manager may designate as necessary to safeguard airport runways, taxiways, designate as necessary to safeguard airport runways, taxiways, ramps, buildings and other property.
 - (4) **Service, Maintenance and Construction Equipment.** Approved equipment normally operated by the airport owner, its agents or under contract, fixed base operator(s), or other governmental agencies performing official duties on landing areas, runways, taxiways, and peripheral roads for the servicing, maintenance, and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the Village of Boyceville.
- (b) **Operation of Vehicles on Runways, Taxiways and Ramps.**
 - (1) No vehicle shall enter, be driven upon, or operated upon any airport runway, taxiway, ramp, tie down area, or any area posted by signs prohibiting the entrance thereon.
 - (2) The provisions of this Section shall not apply to emergency equipment or service, maintenance, and construction equipment when engaged in performing normal duties.

- (3) Aircraft owners are authorized to operate a vehicle to reach their own aircraft at a hangar or tie down area. Aircraft owners shall not exceed a speed of ten (10) miles per hour while en route to their aircraft. They shall not at any time park a vehicle on any area used for the movement of aircraft. Such authorization shall not be granted contrary to the provisions of Part 139 or Part 107 Federal Aviation Regulations (applicable only to airline airports).
- (c) **Speed of Vehicles.** No vehicle shall be driven upon any road within the perimeter of the airport or upon other airport areas, in excess of the speed limit posted, nor shall the driver of any vehicle fail to adhere to any sign posted to regulate vehicle traffic on or about the airport.
- (d) **Pedestrian Traffic on Airport.** No pedestrian shall be allowed beyond the administration area or upon the apron or aircraft tie down area unless for the purpose of embarking in or disembarking from an aircraft; or unless authorized by the airport manager. Pedestrian traffic is prohibited on taxiway, runways, and outlying areas of the airport except for those employees of the city, county, state or federal government, or contractors engaged in airport construction or maintenance work.
- (e) **Vehicle Parking.** All vehicles parked on the airport shall be parked in designated areas and in accordance with posted signs or other markings. The airport manager may move, or order the removal of any vehicle improperly parking, at the owner's expense. Fines or forfeitures may be levied in accordance with Subsection (g).
- (f) **Enforcement.** It shall be the duty of the Boyceville Police Department to enforce the provisions of this Section.
- (g) **Violation.** Any person who shall violate any of the provisions of this Section shall upon conviction thereof forfeit not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the Dunn County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days.

Sec. 10-1-46 through Sec. 10-1-49 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-50 Penalties.

- (a) **Forfeiture Penalty.** The penalty for violation of any provision of this Chapter shall be a forfeiture as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
- (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
- (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the Village, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 349, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
- (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 349, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
- (2) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10-1-20 through 10-1-33 shall be Ten Dollars (\$10.00).

- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

Sec. 10-1-51 Enforcement.

(a) **Enforcement Procedures.**

- (1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) **Citations.**

- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking Citations.** The Village Attorney and Chief of Police shall recommend to the Village Board a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(c) **Deposits and Stipulations.**

(1) **Uniform Traffic Offenses.**

- a. **Who May Make.** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b) of the Wisconsin Statutes whenever the provisions

of Sec. 345.27 of the Wisconsin Statutes are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11 of the Wisconsin Statutes.

- b. ***Delivery or Mailing of Deposit and Stipulation.*** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26 of the Wisconsin Statutes or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Village Board. Deposits may be brought or mailed to the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.

(2) ***Non-moving Traffic Offenses.***

- a. ***Direct Payment of Penalty Permitted.*** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
- b. ***Court Prosecution.*** If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within fifteen (15) days of the date of the citation, the Chief of Police shall forward a copy of the citation to the Village Attorney for prosecution.
- c. ***Registration Suspension.*** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the Village may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
- d. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

- (3) ***Notice of Demerit Points and Receipt.*** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) ***Registration Suspension Program.***

- a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.

- b. The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Chief of Police and/or Village Attorney are authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The Village's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter Trans. 128, Wis. Adm. Code.

Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Regulation of Skateboards, Roller Skates and Roller Skis
10-2-5	General Bicycle Regulations
10-2-6	Bicycle Penalties
10-2-7	Play Vehicle Penalties

Sec. 10-2-1 Definitions

As used in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way.** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

Sec. 10-2-3 Rules of the Road.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Regulation of Skateboards, Roller Skates and Roller Skis.

- (a) **Regulations.** It shall be unlawful for any person in the Village of Boyceville to operate or ride a skateboard, roller skates, or roller skis ("play vehicles") in any of the following places:
 - (1) On the sidewalk in a business district.
 - (2) In any public parking ramp or parking lot.
 - (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
 - (4) On a public street.
- (b) **Where Allowed.** Skateboarding on sidewalks is permitted, except as prohibited in this Section and otherwise regulated. The operators of skateboards must yield to all pedestrians.
- (c) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (d) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself to any vehicle upon a roadway.
- (e) **Penalties.** The following penalties shall be applicable for violations of this Section:
 - (1) Any person sixteen (16) years of age or older who shall violate any provisions of this Section may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit schedule.
 - (2) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Section may be issued a citation and be subject to the penalties provided by the deposit schedule and upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00) together with the cost of the prosecution, and, in default of such payment, the court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.

- (3) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Section may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-5 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
- (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle and the vehicle.
 - (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
 - (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself or the bicycle to any other moving vehicle upon a street or highway.
 - (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
 - (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
 - (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
 - (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
 - (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No bicycle shall be parked in front of or adjacent to any commercial establishment or park a bicycle against a building, unless the bicycle is parked on the sidewalk parallel to the street and as close as possible to the curb. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.

- (d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (e) **Display of License.** Valid license stickers must be displayed on the bicycle so that it is clearly visible.
- (f) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (g) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (h) **Operation on Sidewalks.**
 - (1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the Village set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.
 - (2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the Village in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.
- (i) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (j) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
- (k) **Riding Bicycle on Bicycle Lane.**
 - (1) Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
 - (2)
 - a. Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
 - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle into the lane and then mounting it.
 - (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.
 - (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

(l) Riding Bicycle on Bicycle Way.

- (1) Every person operating a bicycle upon a bicycle way shall:
 - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
- (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
- (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

Sec. 10-2-6 Bicycle Penalties.

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (3) Third offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (4) Fourth and subsequent offense in the same year: Mandatory referral to Dunn County Juvenile Court.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.

- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-7 Play Vehicle Penalties.

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Dunn County Juvenile Court.
 - (4) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Chapter 3

Snowmobiles

- 10-3-1** State Snowmobile and All-Terrain Vehicles Laws Adopted
- 10-3-2** Applicability of Traffic Regulations to Snowmobiles
- 10-3-3** Unattended Vehicles
- 10-3-4** Operation Regulated
- 10-3-5** Speed; Unattended Snowmobiles
- 10-3-6** Restrictions on Operators
- 10-3-7** Accidents and Accident Reports
- 10-3-8** Snowmobile Routes and Trails Designated
- 10-3-9** Penalty
- 10-3-10** Enforcement

Sec. 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Utility Exemption
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows
- 350.07 Driving Animals
- 350.08 Owner Permitting Operation
- 350.09 Head Lamps, Tail Lamps and Brakes, Etc.
- 350.10 Miscellaneous Provisions for Snowmobile Operation

350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

Sec. 10-3-2 Applicability of Traffic Regulations to Snowmobiles.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Boyceville in violation of the traffic regulation provisions of Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wis. Stats.

Sec. 10-3-3 Unattended Vehicles.

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

Sec. 10-3-4 Operation Regulated.

- (a) Except as provided in Section 10-3-8 no person shall operate a snowmobile upon any streets or sidewalks within the Village of Boyceville other than to drive directly across a street or sidewalk and then only after stopping and yielding the right-of-way to all pedestrians and vehicles approaching on said street or sidewalk.
- (b) No person shall drive or operate a snowmobile on private property or Village property within the Village of Boyceville without consent or permission of the property owner.
- (c) No person shall operate a snowmobile within the Village between Midnight and 7:00 a.m. Sunday night through Friday morning, or between 1:00 a.m. and 7:00 a.m. Saturday mornings and Sunday mornings, excepting that no person shall operate a snowmobile on any body of water within the Village between 9:00 p.m. and 7:00 a.m.

Sec. 10-3-5 Speed; Unattended Snowmobiles.

- (a) **Speed.** No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of fifteen (15) miles per hour. No person shall operate a snowmobile on any trail designated in Section 10-3-8 of this Chapter or in any public park or recreation area at a speed in excess of the posted limit.
- (b) **Unattended Snowmobiles.** No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

Sec. 10-3-6 Restrictions on Operators.

- (a) No person under the age of twelve (12) years may operate a snowmobile. No person over the age of twelve (12) years but under the age of sixteen (16) years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over eighteen (18) years of age or by a person over fourteen (14) years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- (b) No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

Sec. 10-3-7 Accidents and Accident Reports.

- (a) If he can do so without serious danger to his own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the Village shall stop his snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his name and address and identification of his snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-8 Snowmobile Routes and Trails Designated.

- (a) **Routes Designated.** Except as provided in Sections 350.02 and 350.03, Wis. Stats., no person shall operate a snowmobile on any public right-of-way or public grounds, except upon snowmobile routes designated by Village Board action.
- (b) **Prohibited Areas.** No person shall operate a snowmobile within the Village:
- (1) On any private property marked or signed prohibiting use by snowmobiles.
 - (2) On the following public ways, except to cross perpendicularly:
 - a. All sidewalks.
 - b. All alleys except on officially designated routes.
 - c. All boulevards.
 - d. All streets except on officially designated routes.
- (c) **Snowmobile Routes.**
- (1) **Designation Of.** The following routes when marked by official devices shall be opened to snowmobile travel:
 - a. Entire length of Center Street.
 - b. Entire length of Winter Street.
 - c. Entire length of Second Street.
 - d. East Street from Second Street to Charlotte Street.
 - e. Entire length of Tiffany Street.
 - f. Entire length of Stanley Street.
 - g. That alley between Main and Tiffany Streets from Center Street to East Street.
 - h. Main Street from Stanley Street to West Street.
 - i. Entire length of Granbakken Way.
 - j. Entire length of Speedway Street.
 - k. A strip of land sixty (60) feet wide running east and west adjacent to and south of State Highway 170 between the intersection of State Highway 170 and State Highway 79.
 - l. Entire length of Evenson Road and River Road from its junction with Duffy Street thence easterly its entire length.
 - m. A strip of land twenty (20) feet wide commencing at the southwest corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-five (25), Township Thirty (30) North, Range Fourteen (14) West, and running generally northeast to a point immediately south of the Village wastewater treatment ponds.
 - n. Entire length of Park Street.

- (d) **Trail Markers.**
- (1) Area snowmobile clubs shall be responsible for procuring, erecting and maintaining all necessary signs on all approved routes by the Village Board.
 - (2) The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (e) **Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.

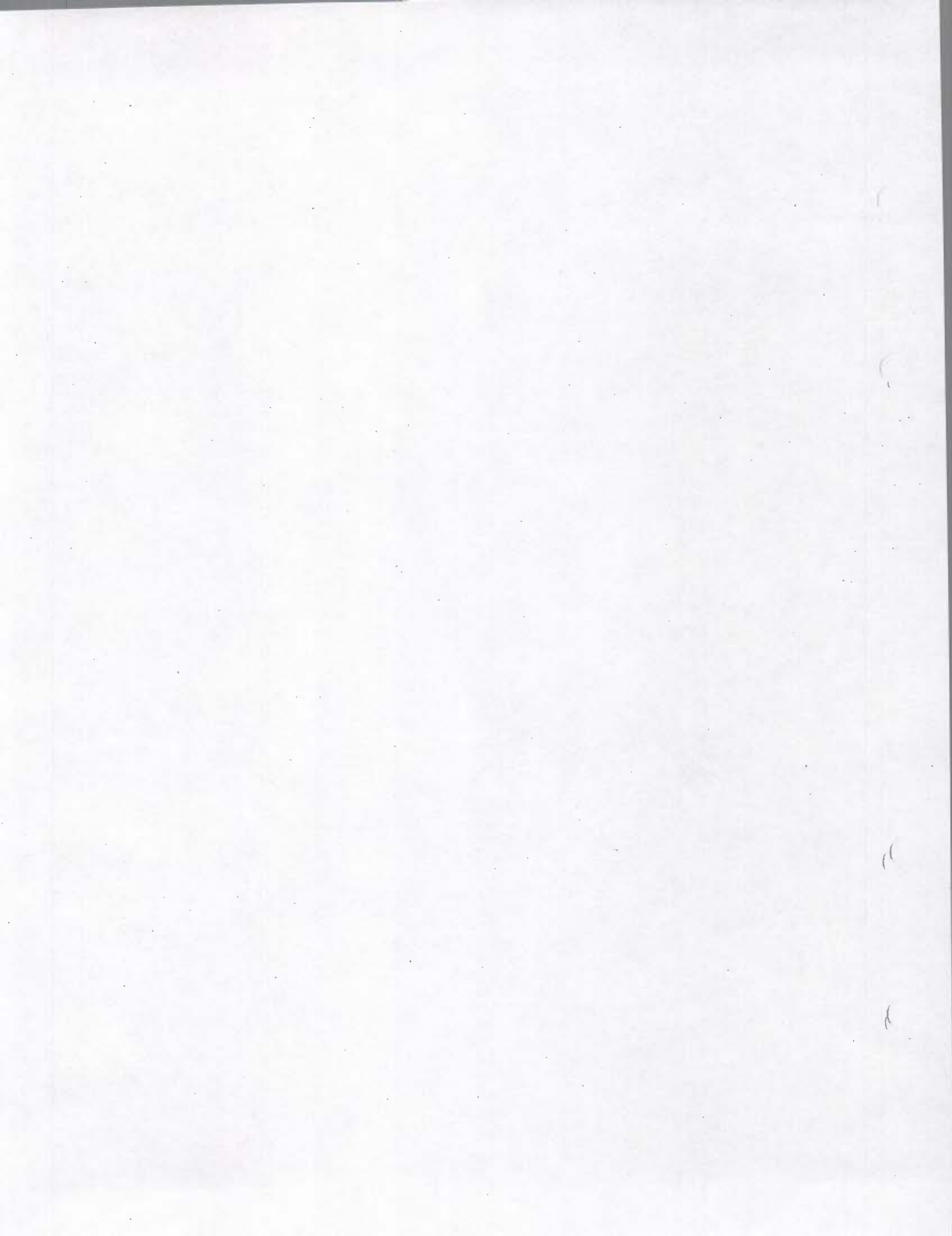
Cross Reference: Section 10-4-2.

Sec. 10-3-9 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty Dollars (\$20.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-10 Enforcement.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Other Violations.** All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats.
- (d) **Police Department to Receive Stipulations and Penalties.** Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices.
- (e) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village Board.



Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1** State All-Terrain Vehicle Laws Adopted
- 10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

(a) **Purpose.**

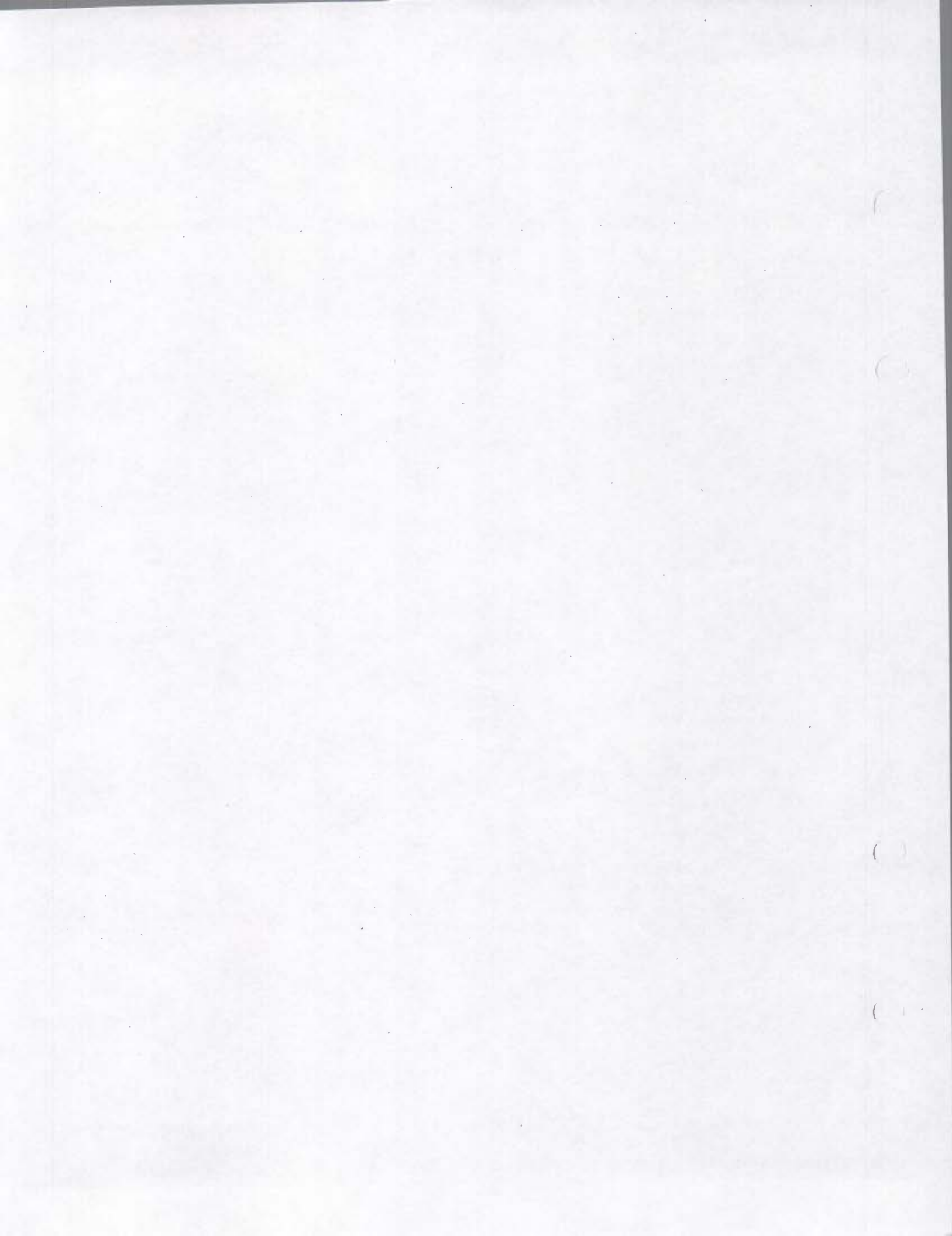
- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
 - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any

minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

SEC. 10-4-3 Authorized Use of All-Terrain Vehicles, and Designating All-Terrain Vehicle Routes.

- (a) **Intent.** Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.
The Village of Boyceville, Dunn County, adopts the following all-terrain vehicle route(s) for the operation of all-terrain vehicles upon the roadways listed in Section 1 (c).
- (b) **Statutory Authority.** This route is created pursuant to village authority as authorized by Sec. 23.33 (8)(b) Wis. Stats.
The applicable provision of Sec. 23.33 Wis. Stats., regulating ATV operation pursuant to routes are adopted.
- (c) **Routes.**
- (1) ATVs are restricted to the authorized routes as shown on the official Village of Boyceville ATV map dated June 8, 2009, and as may be amended.
 - (2) State Highway 79 from Tiffany Street North to a point 250 feet North of the bridge.
- (D) **Conditions.**
- (1) All ATV operators shall observe posted roadway speed limits.
 - (2) All ATV operators shall ride single file.
 - (3) All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
 - (4) Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c.
 - (5) Any person operating an ATV and who was born on or after January 1, 1988, shall have State ATV certification.
 - (6) Hours of operation shall be restricted to 8:00 a.m. to 10:30 p.m.
- (E) **Penalties.**
Wisconsin State All-Terrain Vehicle penalties as found in s. 23.33 (13)(a) Wis. Stats. are adopted by reference.
- (G) **Severability.**
If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other personal circumstances shall not be deemed affected.



Chapter 5

Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles; Definitions
10-5-2	Removal and Impoundment of Vehicles
10-5-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4	Disposal of Abandoned Vehicles
10-5-5	Report of Sale or Disposal
10-5-6	Owner Responsible for Impoundment and Disposal Costs
10-5-7	Conflict with Other Code Provisions
10-5-8	Junked Vehicles and Appliances on Private Property

Sec. 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Boyceville for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the Village of Boyceville or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle.** A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended.** Unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street.** Any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.

10-5-1

- (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of Police.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Village zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

Sec. 10-5-2 Removal and Impoundment of Vehicles.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.**
 - (1) Any police officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Boyceville which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the police officer shall notify the Chief of Police or his designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Chief of Police or his designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Chief of Police or his designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or

wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as a having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or his designee to prove an ownership or secured party interest in said vehicle.

- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the Village of Boyceville;
 - (2) The "determined value" of the abandoned vehicle;
 - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
 - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
 - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

Sec. 10-5-4 Disposal of Abandoned Vehicles.

Any abandoned vehicle impounded by the Village which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

Sec. 10-5-5 Report of Sale or Disposal.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A

copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Village for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Village shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action the Village against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Sec. 10-5-7 Conflict with Other Code Provisions.

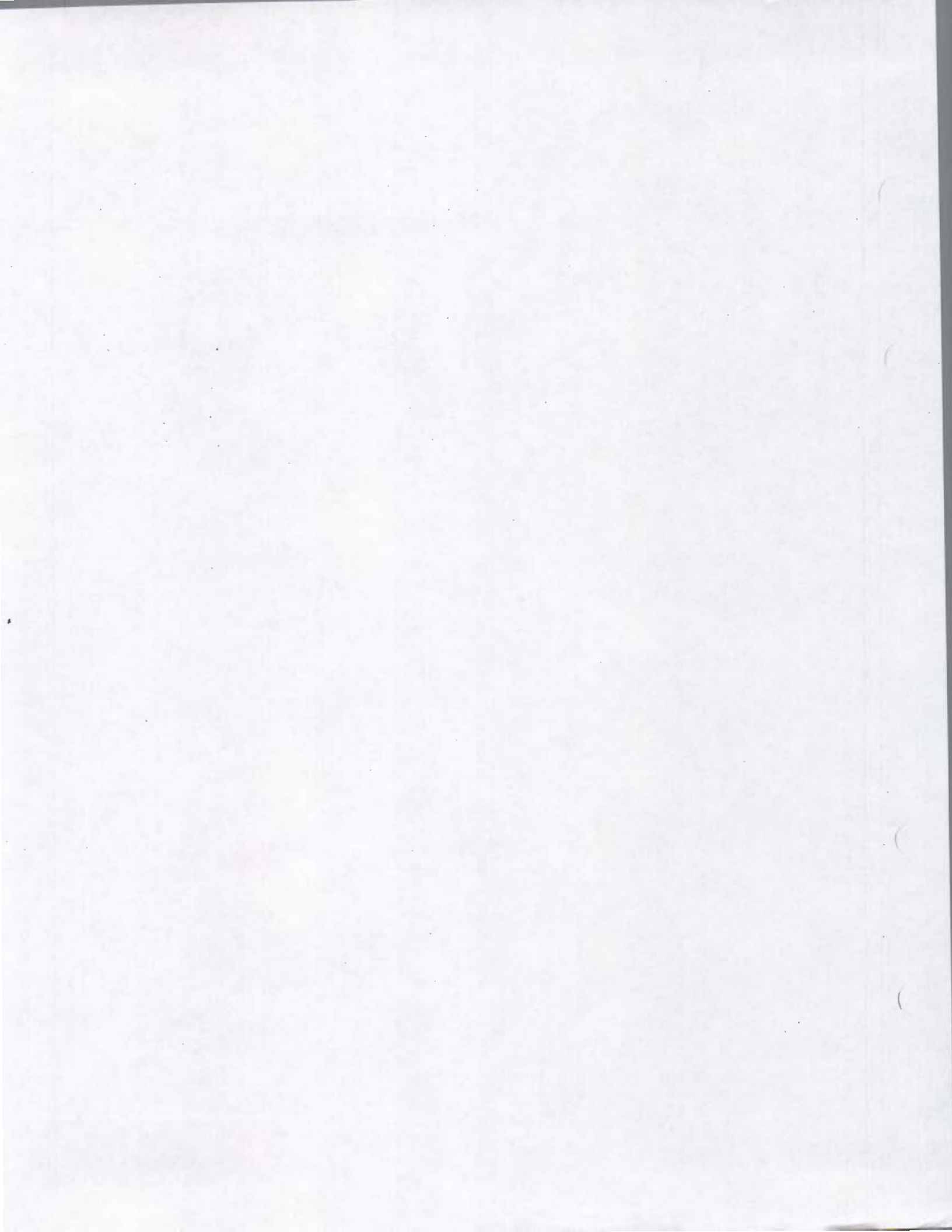
In the event of any conflict between this Section and any other provisions of this Municipal Code, This Chapter shall control.

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

Repealed on August 9, 1999.

- of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.
- (2) The term, "unlicensed - motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
 - (3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.
 - (4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.
- (c) **Exceptions.** This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and in a non-nuisance manner in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided such vehicles are stored in compliance with the ordinances of the Village, specifically, but not limited to, Section 11-3-13. Also excepted are motor vehicles registered pursuant to Sections 341.265 and 341.266, Wis. Stats. In other situations the Village Board may issue temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (d) **Enforcement.**
- (1) Whenever the Police Department shall find any vehicles, vehicle parts or tires, or appliances, as described herein, placed or stored in the open upon private property within the Village, they shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles, part thereof or appliance is not removed within five (5) days, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by the Chief of Police or his duly authorized representative. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (e) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-6. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.



TITLE 11

Offenses and Nuisances

Chapter 1	State Statutes Adopted
Chapter 2	Offenses Against Public Safety and Peace
Chapter 3	Offenses Against Property
Chapter 4	Offenses Involving Alcoholic Beverages
Chapter 5	Offenses by Juveniles
Chapter 6	Public Nuisances

Chapter 1

State Statutes Adopted

- 11-1-1** Offenses Against State Laws Subject to Forfeiture
- 11-1-2** Penalties; Attempt; Parties to Acts

Sec. 11-1-1 Offenses Against State Laws Subject to Forfeiture.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village of Boyceville. With the exception of Sec. 938.342, Wis. Stats., the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code. The penalty for truancy and high school dropouts shall be governed by the provisions of Sec. 938.342, Wis. Stats., as adopted herein.

- 29.288 Throwing Refuse in Waters
- 48.983 Purchase or Possession of Tobacco Products Prohibited
- 50.58 Careless Smoking
- 118.07 Safety Requirements
- 118.08 School Zones; Crossings
- 118.09 Safety Zones
- 118.10 School Safety Patrols
- 118.105 Control of Traffic on School Premises
- 118.11 School Fences
- 118.123 Reports and Records
- 118.163 Truancy and School Dropout Violations
- 134.65 Cigarette and Tobacco Products Retailer License
- 134.66 Restrictions on Sale or Gift of Cigarettes or Tobacco Products
- 167.10 Fireworks Regulated
- 175.25 Illegal Storage of Junked Vehicles
- 938.125 Jurisdiction — Juveniles Alleged to Have Violated Civil Laws or Ordinances
- 938.17 Jurisdiction — Juveniles — Traffic, Boating, Snowmobile and All-Terrain Vehicle Violations and Over Civil Law and Ordinance Violations

- 938.342 Disposition — Truancy and School Dropout Ordinance Violations
- 938.343 Disposition — Juvenile Adjudged to Have Violated a Civil Law or an Ordinance
- 938.344 Disposition — Certain Intoxicating Liquor, Beer and Drug Violations
- 938.345 Disposition — Juvenile Adjudged in Need of Protection or Services
- 939.05(2)(b) Aiding and Abetting
- 939.22 Words and Phrases Defined
- 940.19(1) Battery
- 940.291 Failure of a Police Officer to Render Aid
- 940.42 Misdemeanor Intimidation of Witness's
- 940.44 Intimidation of Victims
- 941.01 Negligent Operation of a Vehicle
- 941.10 Negligent Handling of Burning Materials
- 941.12(2),(3) Interfering With or Failing to Assist in Firefighting
- 941.13 False Alarms and Interference with Firefighting
- 941.20(1) Reckless Use of Weapon
- 941.23 Carrying Concealed Weapon
- 941.235 Carrying a Firearm in a Public Building
- 941.24 Possession of Switchblade Knife
- 941.35 Emergency Telephone Calls
- 941.36 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes
- 941.37(1),(2) Obstructing Emergency or Rescue Personnel
- 942.01 Defamation
- 942.03 Giving False Information for Publication
- 942.05 Opening Letters
- 942.20(1),(2) Theft
- 943.01(1) Criminal Damage to Property
- 943.11 Entry Into Locked Vehicle
- 943.125 Entry Into Locked Coin Box
- 943.13 Trespass to Land
- 943.14 Trespass to Dwellings
- 943.145 Criminal Trespass to a Medical Facility
- 943.15 Entry Into Locked Site
- 943.20(3)(a) Theft of Property
- 943.21(3)(a) Fraud on Innkeeper
- 943.22 Cheating Tokens
- 943.23(1)(4)(5) Operating Vehicle Without Owner's Consent
- 943.24 I.O.W.C.

- 943.34(1)(a) Receiving Stolen Property
- 943.37 Alteration of Property Identification Marks
- 943.38(3) Forgery
- 943.41 Credit Card Crimes
- 943.46 Theft of Cable Services
- 943.50(1)-(3),
 - (4)(a) Retail Theft
- 943.55 Removal of a Shopping Cart
- 943.70 Computer Theft
- 944.15 Fornication
- 944.17 Sexual Gratification
- 944.20 Lewd and Lascivious Behavior
- 944.21 Obscene Material or Performance
- 944.23 Making Lewd, Obscene or Indecent Drawings
- 944.30 Prostitution
- 944.31 Patronizing Prostitutes
- 944.33 Pandering
- 944.36 Solicitation of Drinks Prohibited
- 945.01 Definitions Relating to Gambling
- 945.02 Gambling
- 945.04 Permitting Premises to be Used for Commercial Gambling
- 946.40 Refusing to Aid Officer
- 946.41 Resisting or Obstructing Officer
- 946.42(2) Escape
- 946.46 Encouraging Violation of Probation or Parole
- 946.69 Falsely Assuming to Act as Public Officer or Employee
- 946.70 Impersonating Peace Officer
- 946.72(2) Tampering with Public Records and Notices
- 947.01 Disorderly Conduct
- 947.012 Unlawful Use of Telephone
- 947.013 Harassment
- 947.047 Littering Shores
- 947.06 Unlawful Assemblies
- 948.01 Definitions Relating to Crimes Against Children
- 948.09 Sexual Intercourse With a Child Age 16 or Older
- 948.10 Exposing a Sex Organ
- 948.11(1)(b),
 - (2)(b) Exposing a Child to Harmful Material
- 948.21 Neglecting a Child
- 948.40 Contributing to the Delinquency of a Child
- 948.50 Strip Search by School Employee

- 948.51(1),(2),
 - (3)(a) Hazing
- 948.60 Possession of a Dangerous Weapon by a Child
- 948.61(1),(2) Dangerous Weapons on School Premises
- 948.63 Receiving Property From a Child
- 951.01 Definitions Relating to Crimes Against Animals
- 951.015 Construction and Application
- 951.02 Mistreating Animals
- 951.03 Dognapping or Catnapping
- 951.04 Leading Animal from Motor Vehicle
- 951.05 Transportation of Animals
- 951.06 Use of Poisonous and Controlled Substances
- 951.07 Use of Certain Devices Prohibited
- 951.08 Instigating Fights Between Animals
- 951.09 Shooting at Caged or Staked Animals
- 951.10 Sale of Baby Rabbits, Chicks and Other Fowl
- 951.11 Artificially Colored Animals; Sale
- 951.13 Providing Proper Food and Drink to Confined Animals
- 951.14 Providing Proper Shelter
- 951.15 Animals; Neglected or Abandoned; Police Powers
- 951.16 Investigation of Animal Cruelty Complaints
- 951.17 Reimbursement for Expenses

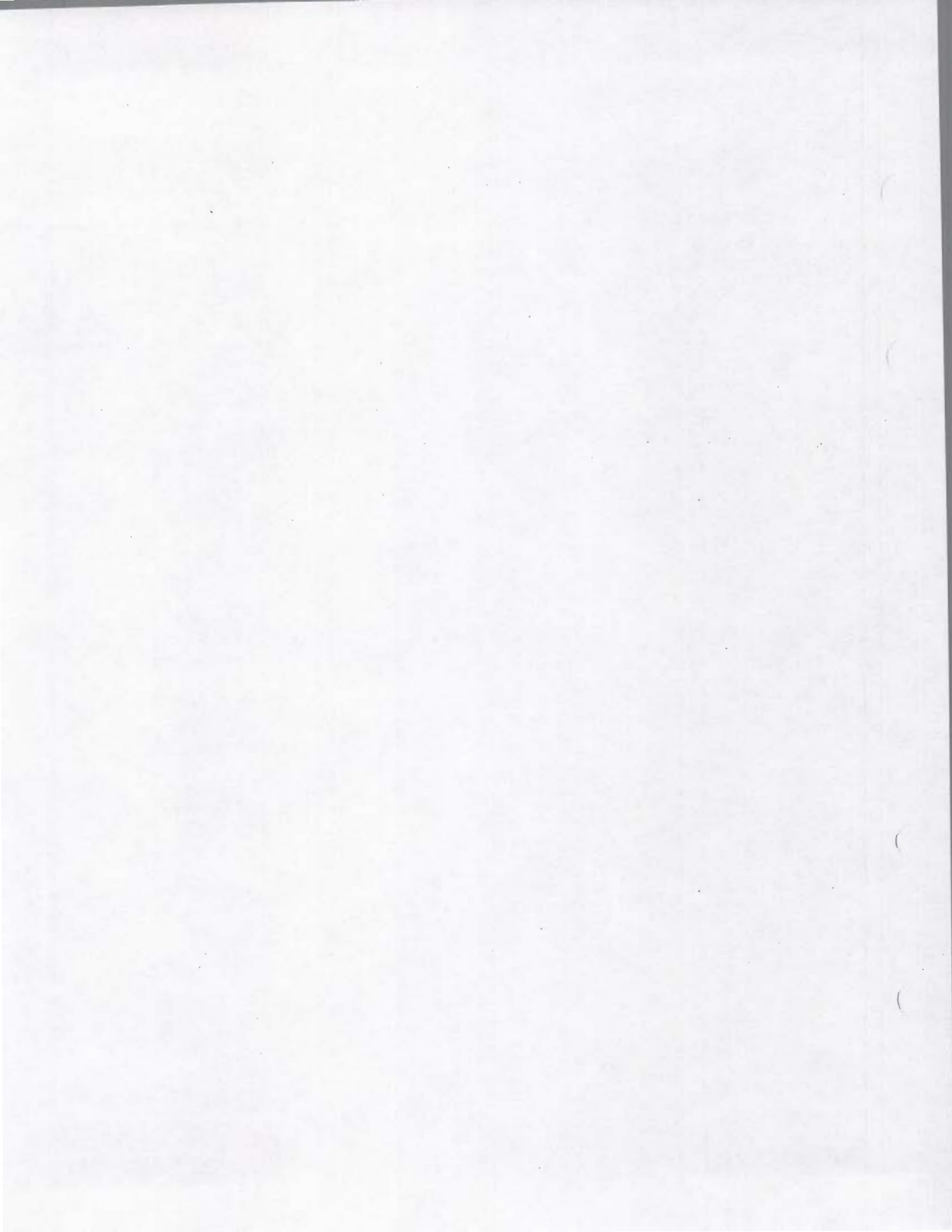
Sec. 11-1-2 Penalties; Attempt; Parties to Acts.

- (a) **Penalty.** In addition to the general penalty provisions of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Title, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated juvenile who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- (b) **Attempt.**
 - (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the Village of Boyceville may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
 - (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would

constitute a violation of these ordinances and that he/she does acts towards the commission of the violation which demonstrate unequivocally, under all the circumstances, that he/she formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Acts Prohibited in Title 11.**

- (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances, is a principle and may be charged with and convicted of the commission of said act although he/she did not directly commit it and although the person who directly committed it has not been convicted of some other act prohibited by these ordinances.
- (2) A person is concerned in the commission of an act prohibited by these ordinances if he/she:
 - a. Directly commits the act; or
 - b. Intentionally aids and abets the commission of it; or
 - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it. Such party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his/her mind and no longer desires that the act be committed and notifies the other parties concerned of his/her withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.



Chapter 2

Offenses Against Public Safety and Peace

- 11-2-1 Regulation of Firearms, Explosives, and Other Missiles
- 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
- 11-2-3 Safe Use and Transportation of Firearms and Bows
- 11-2-4 Sale and Discharge of Fireworks Restricted
- 11-2-5 Obstructing Streets and Sidewalks Prohibited
- 11-2-6 Loitering Prohibited
- 11-2-7 Loud and Unnecessary Noise Prohibited
- 11-2-8 Disorderly Conduct
- 11-2-9 Unauthorized Presence on School Property
- 11-2-10 Failure to Obey Lawful Order; Resisting an Officer
- 11-2-11 Possession of Controlled Substances; Marijuana
- 11-2-12 Crossing a Police Line
- 11-2-13 Harassment
- 11-2-14 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited
- 11-2-15 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited

Sec. 11-2-1 Regulation of Firearms, Explosives, and Other Missiles

- (a) Discharge of Firearms Regulated. Except as provided herein, no person, except a law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description in his/her possession or under his/her control with in the Village of Boyceville, provided that this Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the Village Board, or the firing or discharging of BB guns upon private premises by person over sixteen (16) or under the direct personal supervision of a parent or guardian.
- (b) Shooting Into Village Limits. No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Boyceville.

- (c) **Shooting Ranges.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Village Board, upon the recommendation of the Chief of Police, where proper safety precautions are taken.
- (d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.
- (e) **Throwing or Shooting of Arrows, Stones, or Other Missiles Prohibited.**
 - (1) It shall be unlawful for any person to discharge or cause the discharge of any dangerous missile from any slingshot, bow and arrow or other means within three hundred (300) feet of any inhabited dwelling or building or any public park, square or enclosure.
 - (2) This Subsection shall not apply:
 - a. To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
 - b. To a supervised archery range approved by the Village Board.
 - c. Within the interior of a single family dwelling.
- (f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

TITLE 11 OF THE ORDINANCES FOR THE VILLAGE OF BOYCEVILLE FOR 2012.

An ordinance relating to Hunting Prohibited.

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE DO ORDAIN AS FOLLOWS:

Section 1. Section 11-2-1 (g) Hunting Prohibited is hereby repealed and recreated as follows:

- (g) **Hunting Prohibited.** No hunting of any kind shall be allowed within the corporate boundaries of the Village of Boyceville. This provision does not apply to persons authorized by firms hired by the Village of Boyceville to conduct wildlife harvest pursuant to DNR-approved Wildlife Management Programs. Open hunting seasons as defined by the Wisconsin Department of Natural Resources shall not be effective within such municipal boundaries. Provided, however, this provision does not apply to the bow hunting for whitetail deer as prescribed in Section 11-2-1 (h).

TITLE 11 OF THE ORDINANCES FOR THE VILLAGE OF BOYCEVILLE FOR 2012.

An ordinance relating to Bow Hunting for Whitetail Deer.

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE DO ORDAIN AS FOLLOWS:

Section 1. Section 11-2-1 (h) is hereby created as follows:

- (h) Bow hunting for whitetail deer shall be allowed in the Village of Boyceville provided:
1. Bow and bow hunting is as defined by the Wisconsin Department of Natural Resources.
 2. Seasons, hours and all other restrictions and requirements as imposed by the Wisconsin Department of Natural Resources shall apply, including but limited to distance setbacks from buildings, parks, road and residences for hunting and/or the discharge of a bow.
 3. Shall occur only in areas of the Village of Boyceville Comprehensive Plan Adopted 12-30-09 land use classifications of vacant, institutional, agricultural, rural residential, natural areas and public recreation. No hunting shall be allowed in residential, commercial or industrial land use classifications.
 4. All hunters must while hunting, carry on their person a permit issued by the Village of Boyceville Police Department. Before issuance of the permit, the applicant must obtain the written permission of the owner of the lands upon which they will hunt. Forms for the permit and written permission will be made available by the Village.
 5. Penalties.
 - i. Any person violating this Section shall be subject to a forfeiture of not less than \$50 and not more than \$200. This penalty may be imposed in addition to any penalty imposed by the Wisconsin Department of Natural Resources based upon the same conduct.

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**Sec. 11-2-2 Carrying Concealed Weapons Prohibited;
Certain Weapons Prohibited.**

(a) **Concealed Weapons Prohibited.**

(1) *Prohibition.* No person shall, within the Village of Boyceville, wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.

(2) *Dangerous Weapon Defined.* "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall

not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.

- (c) **Specific Concealed Weapons Prohibited.** No person, except a sheriff, constable, police officer or other law enforcement officer acting within the scope of their duties, shall carry or wear concealed about his person any pistol, revolver, firearm, sling shot, crossknuckle of lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.
- (d) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**
- (1) No person shall sell, manufacture, purchase, possess or carry metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, a "numchuk" (also called a "nunchaku") or any similar weapon, a "cestus" or similar material weighted with metal or other substance and worn on the hand, a "churkin" (also called a "suriken") or any similar object intended to injure a person when thrown, a "sucbai" or similar weapon, a "manrikigusari" or a similar length of chain having weighted ends, or any other martial arts device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce injury or death to another person within the Village of Boyceville.
 - (2) For the purpose of this Section, the following definitions shall apply:
 - a. **"Numchuk" or "Nunchaku."** An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - b. **"Churkin."** A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. **"Sucbai."** A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
- (e) **Reckless Use of Weapons.**
- (1) **Acts Prohibited.**
 - a. No person shall endanger another's safety by reckless conduct in the operation or handling of a firearm, air gun, knife or bow and arrow.
 - b. No person shall operate or go armed with a firearm, air gun, knife or bow and arrow while he is under the influence of an intoxicant.
 - c. No person shall intentionally point a firearm, air gun, knife or bow and arrow at or toward another person.
 - (2) **Reckless Conduct Defined.** "Reckless conduct" consists of an act which creates a situation of unreasonable risk and high probability of death or great bodily harm to

another and which demonstrates a conscious disregard for the safety of another and a willingness to take chances of perpetrating an injury.

Sec. 11-2-3 Safe Use and Transportation of Firearms and Bows.

(a) **Definitions.** In this Section:

- (1) **Aircraft** has the meaning given under Sec. 114.002(3), Wis. Stats.
- (2) **Encased** means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
- (3) **Firearm** means a weapon that acts by force of gunpowder.
- (4) **Highway** has the meaning given under Sec. 340.01(22), Wis. Stats.
- (5) **Motorboat** has the meaning given under Sec. 30.50(6), Wis. Stats.
- (6) **Roadway** has the meaning given under Sec. 340.01(54), Wis. Stats.
- (7) **Unloaded** means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
- (8) **Vehicle** has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.

(b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**

- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
- (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
- (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-6.

(c) **Exceptions.**

- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or

aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:

- a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
- (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
- (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

Sec. 11-2-4 Sale and Discharge of Fireworks Restricted.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

Sec. 11-2-5 Obstructing Streets and Sidewalks Prohibited.

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village of Boyceville in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
 - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

- (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Boyceville.
- (3) **Obstruct.** To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
- (4) **Sidewalk.** Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.
- (d) **Free Speech.** This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

Sec. 11-2-6 Loitering Prohibited.

(a) Public Property Loitering Prohibited.

- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any law enforcement officer.
- (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious conduct or any unlawful act.
- (4) No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this Subsection, "loiter" means to delay, to linger or to idle in or about any said school or public place without a lawful purpose for being present.

(b) Private Property Loitering Prohibited.

- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places. No person shall loiter in or about the doorway, stairway, steps or entrance of any business place of private residence without the expressed consent of the owner thereof, or at any time

other than usual business hours. Under this Subsection, business place shall include public building at such times that the same shall be closed for the usual and normal business conduct thereat.

- (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (3) No person shall sit, lie, or otherwise recline upon or against any parked motor vehicle without the expressed consent of the owner thereof, whether such be parked upon a public street, alley, parking lot, driveway or private premises.
- (4) No person shall stand or loiter on any roadway other than in a safety zone if such act interferes with the lawful movement of traffic.

(c) **Loitering or Prowling Prohibited.**

- (1) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.
- (2) No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building, or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- (3) No person shall lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.
- (4) No person shall loiter in or about a restaurant, tavern or other public building. As used in this Subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**

- (1) **Underage Persons and Intoxicants.** No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

- (2) **Permitting Loitering Prohibited.** No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
- (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Boyceville.
- (f) **Soliciting.** No person shall loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, that such person repeatedly beckons to stop or attempts to stop, or engages male or female passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit or produce another to commit an act of prostitution. No arrest shall be made for a violation of this Subsection unless the sworn police officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this Subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose. As used in this Subsection:
- (1) **Public Place** is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, whether moving or not, and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorway and entrance to buildings or dwellings and the grounds enclosing them.
- (2) **Known Prostitute or Panderer** means a person who, within five (5) years previous to the date of arrest for violation of this Section, had, within the knowledge of the sworn police officer, been convicted in any municipal court or circuit court in the State of Wisconsin of an offense involving prostitution.

Sec. 11-2-7 Loud and Unnecessary Noise Prohibited.

- (a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise. It shall be

unlawful for any person knowingly or wantonly to use or operate, or to cause to be used or operated any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed.

(b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- (1) **Horns, signaling devices.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.
- (2) **Radios, phonographs, similar devices.** The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the properly line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) **Loudspeakers, amplifiers for advertising.** The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) **Animals, birds.** The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) **Steam whistles.** The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.
- (6) **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) **Construction or repair of buildings.** The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam

shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Chief of Police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.

- (8) **Schools, courts, churches, hospitals.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street. No person, while on public or private grounds adjacent to any building, or while within any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order and operation of such school session or class thereof.
- (9) **Exceptions.** The provisions of this Section shall not apply to:
- a. Any vehicle of the Village while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Village, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **Permits for Amplifying Devices.**

- (1) **Permit Required.** The use of loudspeakers or amplifying devices on the streets or in the parks of the Village of Boyceville is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.
- (2) **Grounds or Reasons for Denial or Allowance.** The Chief of Police shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.
- (3) **Time Restrictions.** The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 10:00 p.m. No permit shall be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

Sec. 11-2-8 Disorderly Conduct.

- (a) **Disorderly Conduct Prohibited.** No person within the Village of Boyceville shall:
- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends

- to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person;
- (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation;
 - (3) With intent to annoy another, make a telephone call, whether or not conversation ensues;
 - (4) Indecently expose his or her person;
 - (5) Be in any business or private structure, private vehicle or upon any private grounds without the consent of the owner.
- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

Sec. 11-2-9 Unauthorized Presence on School Property.

- (a) **Unauthorized Presence.**
- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the Village or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
 - (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.
 - (3) "Authorized person" shall include:
 - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
 - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
 - c. Any person utilizing a designated area for attending an athletic or other organized school event.
- (b) **Disorderly Conduct on Public School Property.**
- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

- (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
 - (3) All entrances to the school buildings referred to in Subsection (a) shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
 - (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a Village summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the Village of Boyceville or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
- (1) **Loiter.** To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) **Nuisance.** Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Village of Boyceville.

Sec. 11-2-10 Failure to Obey Lawful Order; Resisting an Officer.

- (a) **Lawful Orders.** It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.
- (b) **Resisting or Interfering with Officer Prohibited.** It shall be unlawful for any person to resist or in any way interfere with any police officer or member of the Police Department or any person called to assist such officer, or to threaten, resist or interfere with such officer or person or to advise or encourage any other person to resist or interfere with such officer or person in the discharge of his duty, or to in any way interfere with or hinder or

prevent him from discharging his duty as such officer or assistant, or to offer or endeavor to do so, or to in any manner assist any person in the custody of any law enforcement officer to escape or to attempt to escape from such custody, or to try to persuade any person to escape from the custody of such officer, or to rescue or attempt to rescue any person so in custody or to fail to obey the order or direction of such officer while such officer is acting in his official capacity in carrying out his duties.

Sec. 11-2-11 Possession of Controlled Substances; Marijuana.

- (a) **Possession of Controlled Substances.** It is unlawful for any person to possess a controlled substance, other than a controlled substance classified in schedule I and II which is a narcotic drug, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this Code of Ordinances.
- (b) **Possession of Marijuana.**
- (1) No person shall possess twenty-five (25) grams or less of marijuana, as defined in Sec. 961.01(14), Wis. Stats., unless it was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by Ch. 961, Wis. Stats.
 - (2) For purposes of this Section, "practitioner" means:
 - a. A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - b. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in the State of Wisconsin.
 - (3) This Section does not apply to any person who is charged with possession of more than twenty-five (25) grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of any amount of marijuana, in the State of Wisconsin.

State Law Reference: Section 66.051(4), Wis. Stats.

Sec. 11-2-12 Crossing a Police Line.

No individual shall cross a police or fire line that has been so designated by banner, signs or other similar identification.

Sec. 11-2-13 Harassment.

- (a) **Harassment.** No person, with intent to harass or intimidate another person, shall do any of the following; each instance shall be considered a separate violation:
- (1) Strike, shove, kick or otherwise subject the person to physical contact or attempts or threatens to do the same.
 - (2) Engage in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose.
- (b) **Harassing or Obscene Telephone Calls.** Whoever commits any of the following acts shall be subject to the general penalty as provided in this Code of Ordinances:
- (1) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
 - (2) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
 - (3) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers;
 - (4) Makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers;
 - (5) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
 - (6) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

Sec. 11-2-14 Open Cisterns, Wells, Basements or Other Dangerous Excavations Prohibited.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

Sec. 11-2-15 Gambling, Lotteries, Fraudulent Devices and Practices Prohibited.

All forms of gambling, lotteries and fraudulent devices and practices are prohibited within the Village, except as provided by state law. Any police officer of the Village may seize anything devised solely for gambling or found in actual use for gambling within the Village and dispose thereof after a judicial determination that such device was used solely for gambling or found in actual use for gambling.

Chapter 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Material
11-3-5	Cemetery Regulations
11-3-6	Damage to Public Property
11-3-7	Retail Theft
11-3-8	Issuance of Worthless Checks
11-3-9	Trespass to a Dwelling or Land
11-3-10	Regulation of Smoking
11-3-11	Theft Prohibited
11-3-12	Fraud on Residential Landlords Prohibited
11-3-13	Storage of Junk, etc., Regulated

Sec. 11-3-1 Destruction of Property Prohibited

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Boyceville, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village or any other person or entity without the written consent of the owner. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Penalty Provisions.**
(1) Any person eighteen (18) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.

- (2) Any person fourteen (14) years of age to seventeen (17) years of age shall be subject to a forfeiture not to exceed Twenty-five Dollars (\$25.00) and any other applicable penalty provided by Sec. 48.344, Wis. Stats., as that Section may exist, be amended or changed.
- (d) **Victim Remedies.** Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

Sec. 11-3-2 Littering Prohibited.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Boyceville, or upon property within the Village owned by the Boyceville School District or any private person, or upon the surface of any body of water within the Village.
- (b) **Litter From Conduct of Commercial Enterprise.**
 - (1) **Scope.** The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) **Litter to be cleaned up.** Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) **Litter picked up at litterer's expense.** If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Director of Public Works to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed

or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

(d) **Handbills.**

- (1) **Scattering Prohibited.** It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) **Papers in Public Places Prohibited.** It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3 Abandoned Refrigerators Prohibited.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

Sec. 11-3-4 Theft of Library Material.

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
- (1) **Archives.** A place in which public or institutional records are systematically preserved.
 - (2) **Library.** Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the Village of Boyceville and school libraries.
 - (3) **Library Material.** Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

11-3-4

- (b) **Possession Without Consent Prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and Chief of Police, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.
- (c) **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **Detention Based on Probable Cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **Damaging Material Prohibited.** No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-6.
- (f) **Return Demanded.** No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

State Law Reference: Section 943.61, Wis. Stats.

Sec. 11-3-5 Cemetery Regulations.

- (a) **Purpose and Definition.** In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter

used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Boyceville.

- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) **Specific Regulations.**
- (1) **Disturbing Cemetery Property.** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
 - (2) **Protection of Cemetery Property.** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
 - (3) **Motor Vehicles.** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
 - (4) **Speed Limit.** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
 - (5) **Parking.** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any

- purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
 - (7) **Pets.** Pets, including animals of any species, and horses are prohibited in any cemetery.
 - (8) **Sound Devices.** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
 - (9) **Authorized Notices.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
 - (10) **Loitering Prohibited.** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
 - (11) **Alcoholic Beverages Prohibited.** No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.
 - (12) **Play Vehicles Prohibited.** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
 - (13) **Presence After Hours Prohibited.** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Sec. 11-3-6 Damage to Public Property.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Boyceville.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.
- (c) **Damaging Fire Hydrants and Water Mains.** No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or

open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-7 Retail Theft.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

Sec. 11-3-8 Issuance of Worthless Checks.

- (a) Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:

- (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

Sec. 11-3-9 Trespass to a Dwelling or Land.

- (a) **Trespass to Land.** No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (b) **Trespass to Dwelling.** No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

Sec. 11-3-10 Regulation of Smoking.

- (a) **State Statute Adopted.** The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is 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 Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Section 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Boyceville, except in designated areas.

Sec. 11-3-11 Theft Prohibited.

- (a) **Acts.** Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:

- (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his own use within the meaning of this Subsection.
 - (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
 - (4) Obtains title to property of another by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
 - (5) Intentionally fails to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) "Movable Property" is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

- (4) "Property of Another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

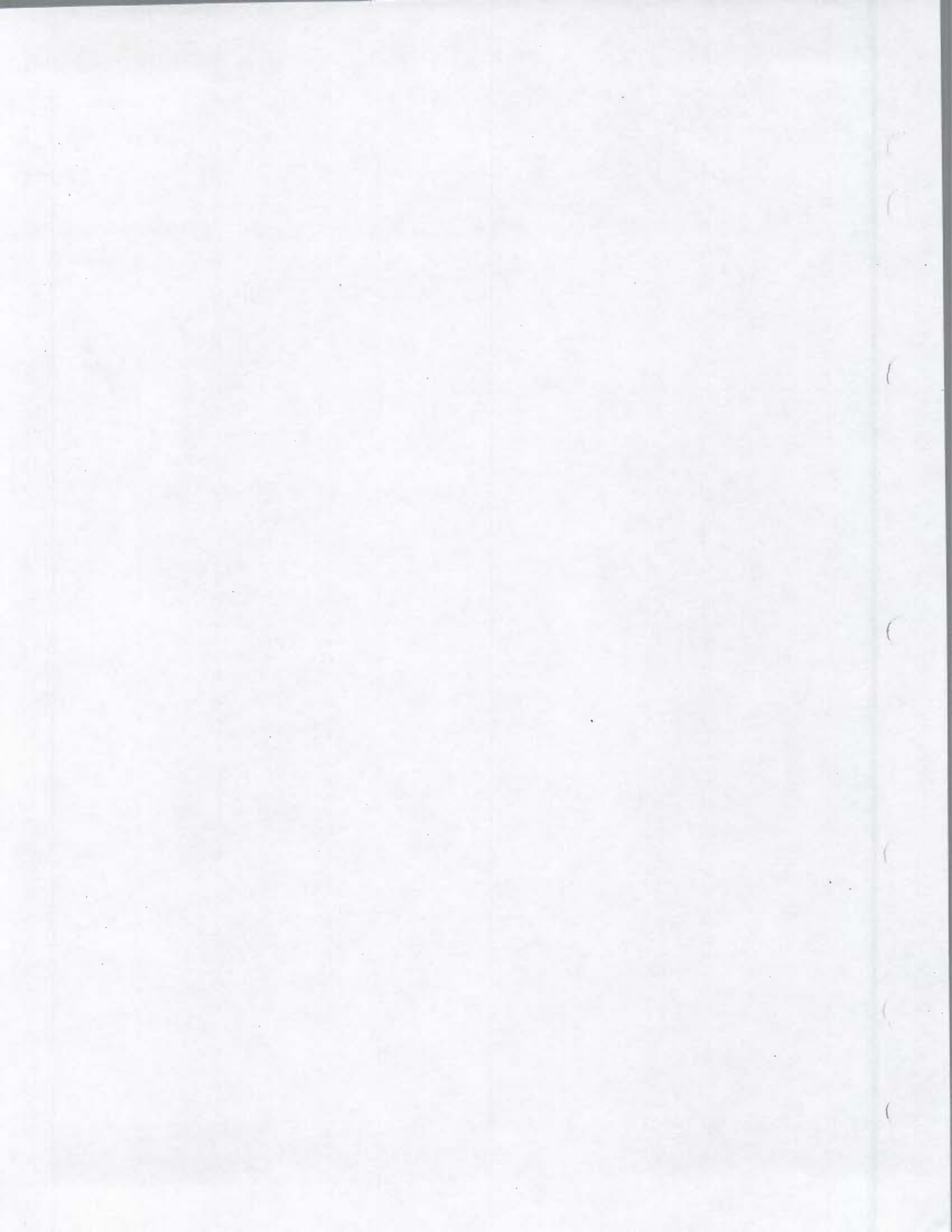
Sec. 11-3-12 Fraud on Residential Landlords Prohibited.

- (a) **Prohibited Acts.** Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
 - (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise; or
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.
- (b) **Applicability.** This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Section 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) **Procedure.** An officer may issue a citation only when the complainant provides the following:
 - (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State Law Reference: Chapter 704 and Section 990.001(1), Wis. Stats.; Chapter AG 134, Wis. Adm. Code.

Sec. 11-3-13 Storage of Junk, Etc., Regulated.

Repealed on August 9, 1999.



Chapter 4

Offenses Involving Alcoholic Beverages

11-4-1	Outside Consumption
11-4-2	Sale to Underage or Intoxicated Persons Restricted
11-4-3	Underage Persons' Presence in Places of Sale; Penalty
11-4-4	Underage Persons; Prohibitions; Penalties
11-4-5	Defense of Sellers
11-4-6	Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards
11-4-7	Possession of Alcohol Beverages on School Grounds
11-4-8	Adult Permitting or Encouraging Underage Violation
11-4-9	Solicitation of Drinks Prohibited

Sec. 11-4-1 Outside Consumption.

(a) Alcoholic Beverages in Public Areas.

- (1) **Regulations.** It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the following described territory in the Village of Boyceville or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Village of Boyceville.
- (2) **Private Property Held Out For Public Use.** It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed premises.
- (3) **Exceptions.**
 - a. The provisions of this Section may be waived by the Village Board for duly authorized events.
 - b. Any organization which has been issued a Temporary Fermented Malt Beverage and/or Temporary Wine License for a designated area pursuant to this Code of

Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

(b) **Definitions.**

- (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term "public area" shall be construed to mean any location within the Village which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

Sec. 11-4-2 Sale to Underage or Intoxicated Persons Restricted.

(a) **Sales of Alcohol Beverages to Underage Persons.**

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
- (3) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (4) No adult may intentionally encourage or contribute to a violation of Subsection (a)(1) or (b).

- (b) **Penalties.** For purposes of determining previous violations, the thirty (30) month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one (1) violation occurs at the same time, all those violations shall be counted as one (1) violation. A person who commits a violation of Subsection (a) above may be:

- (1) Required to forfeit not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within thirty (30) months of the violation; or
 - (2) Fined not more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within thirty (30) months of the violation.
 - (3) Fined not more than One Thousand Dollars (\$1,000.00) if the person has committed two (2) previous violations within thirty (30) months of the violation.
 - (4) Fined not more than Ten Thousand Dollars (\$10,000.00) if the person has committed three (3) or more previous violations within thirty (30) months of the violation.
 - (5) In addition to the forfeitures provided in Subsections (b)(1)-(4) above, a court shall suspend any license issued under this Chapter to a person violating this Subsection for:
 - a. Not more than three (3) days, if the court finds that the person committed a violation within twelve (12) months after committing one (1) previous violation;
 - b. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations; or
 - c. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds that the person committed the violation within twelve (12) months after committing three (3) other violations.
- (c) **Exception.** A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to Subsection (b)(5) but is not subject to Subsection (b)(1)-(4) or Sec. 125.11, Wis. Stats.
- (d) **Sale of Alcohol Beverages to Intoxicated Persons.**
- (1) **Restrictions.**
 - a. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
 - b. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (e) **Penalties.** Any person who violates Subsection (d)(1) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

State Law Reference: Section 125.07, Wis. Stats.

Sec. 11-4-3 Underage Persons' Presence in Places of Sale; Penalty.

- (a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter, or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed

premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This Subsection does not apply to:

- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
- (2) An underage person who enters or is on a "Class A" or Class "A" premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
- (3) Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual. or performing arts.
- (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
- (5) Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.
- (6) Premises operated under both a "Class B" or Class "B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" or Class "B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) Premises operating under both a "Class C" license and a restaurant permit.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. (An underage person may enter and remain on Class "B" or "Class B" premises under this Subsection only if the Village adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the Police Department issues to the Class "B" or "Class B" licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the Police Department shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the City. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.)

- (9) A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
 - (10) An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the Police Department, in advance, of the times underage persons will be allowed on the premises under this Subsection.
 - (11) An underage person who enters or remains in a dance hall attached to Class "B" or "Class B" licensed premises if the dance hall is separate from any room where alcohol beverages are sold, if there is a separate entrance to the dance hall and if no alcohol beverages are furnished or consumed by any person in the dance hall where the underage person is present.
 - (12) An underage person who enters and remains on premises for which a temporary Class "B" license is issued under Sec. 125.26, Wis. Stats., if the licensee is authorized by the official or body of the City that issued the license to permit underage persons to be on the premises under Sec. 125.26(6), Wis. Stats., and if the licensee permits underage persons to be on the premises.
- (b) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) above is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

Sec. 11-4-4 Underage Persons; Prohibitions; Penalties.

- (a) **Prohibitions.** Any underage person who does any of the following is guilty of a violation:
- (1) Procures or attempts to procure alcohol beverages from a licensee or permittee.
 - (2) Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
 - (3) Enters, knowingly attempts to enter or is on licensed premises in violation of Section 11-4-3(a).
 - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
- (b) **Adult to Accompany.** Except as provided in Subsection (c) below, any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.

- (c) **Exceptions.** An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:
- (1) A brewer.
 - (2) A fermented malt beverages wholesaler.
 - (3) A permittee other than a Class "B" or "Class B" permittee.
 - (4) A facility for the production of alcohol fuel.
 - (5) A retail licensee or permittee under the conditions specified in Sec. 125.32(2) or 125.68(2), Wis. Stats., or for delivery of unopened containers to the home or vehicle of a customer.
 - (6) A campus, if the underage person is at least eighteen (18) years of age and is under the immediate supervision of a person who has attained the legal drinking age.
- (d) **Penalties for Subsection (a) Violations.** Any person violating Subsection (a) is subject to the following penalties:
- (1) For a first (1st) violation, a forfeiture of not more than Two Hundred Fifty Dollars (\$250.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Three Hundred Dollars (\$300.00) not more than Five Hundred Dollars (\$500.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)(1), Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than Seven Hundred Fifty Dollars (\$750.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g) or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Seven Hundred Dollars (\$700.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work or any combination of these penalties.
- (e) **Penalties for Subsection (b) Violations.** Any person violating Subsection (b) above is subject to the following penalties:
- (1) For a first (1st) violation, a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.

- (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not less than Two Hundred Dollars (\$200.00) nor more than Three Hundred Dollars (\$300.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
 - (3) For a violation committed within twelve (12) months of two (2) previous violations, either a forfeiture of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
 - (4) For a violation committed within twelve (12) months of three (3) or more previous violations, either a forfeiture of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program or other community service work under Subsection (g), or any combination of these penalties.
- (f) **Multiple Violations From an Incident.** For purposes of Subsections (a) or (b) above, all violations arising out of the same incident or occurrence shall be counted as a single violation.
- (g) **Work Programs.**
- (1) A supervised work program ordered under Subsections (d) or (e) above shall be administered by the county department under Sec. 46.215 or 46.22, Wis. Stats., or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under Subsection (d) or (e), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the child to perform community service work under Subsection (d) or (e).
 - (2) The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

- (h) **Disclosure of License Revocation Information.** When a court revokes or suspends a person's operating privilege under Subsections (d) or (e), the Wisconsin Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this Subsection may not disclose the information to any other person or agency.
- (i) **Applicability of Statutory Proceedings.** A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 938.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 938.344(3), Wis. Stats.
- (j) **Alcohol Abuse Programs.**
- (1) In this Subsection, "defendant" means a person found guilty of violating Subsections (a) or (b) who is eighteen (18), nineteen (19), or twenty (20) years of age.
 - (2) After ordering a penalty under Subsections (d) or (e), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order under this Subsection shall require the defendant to do any of the following:
 - a. Submit to an alcohol abuse assessment that conforms to the criteria specified under Sec. 938.547(4), Wis. Stats., and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.
 - b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under Subsection (j)(2)a recommends treatment.
 - c. Participate in a court-approved alcohol abuse education program.
 - (3) If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under Subsection (j)(2)a and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.
 - (4) If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under Subsection (d) or (e), the court may order the secretary of transportation to reinstate the operating

privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

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

Sec. 11-4-5 Defense of Sellers.

- (a) **Defenses.** In determining whether or not a licensee or permittee has violated Sections 11-4-2(a) or 11-4-3(a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages maybe considered, including any circumstances listed below. In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
 - (1) That the purchaser falsely represented that he or she had attained the legal drinking age.
 - (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
 - (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
 - (4) That the underage person supported the representation under Subsection (a)(1) above with documentation that he/she had attained the legal drinking age.
- (b) **Book Kept by Licensees and Permittees.**
 - (1) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of Subsection (a) above. The licensee or permittee or his or her employee may require any of the following persons to sign the book:
 - a. A person who has shown documentary proof that he or she has attained the legal drinking age if the person's age is in question.
 - b. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.
 - (2) The book may show the date of the purchase of the alcohol beverage, the identification used in making the purchase or the identification used to establish that

a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchase and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

Sec. 11-4-6 Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards.

- (a) (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or Sec. 343.50, Wis. Stats., who makes, alters or duplicates an official identification card may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(d) or (e):
 - (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
 - (2) Makes, alters or duplicates an official identification card.
 - (3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Sec. 125.09(3), Wis. Stats.

Sec. 11-4-7 Possession of Alcohol Beverages on School Grounds Prohibited.

- (a) In this Subsection:
 - (1) "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.
 - (2) "School" means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
 - (3) "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

- (4) "School premises" means premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:
- (1) On school premises;
 - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
 - (3) While participating in a school-sponsored activity.
- (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 938.344, Wis. Stats., and Section 11-4-4(d) and (e) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-4-5.

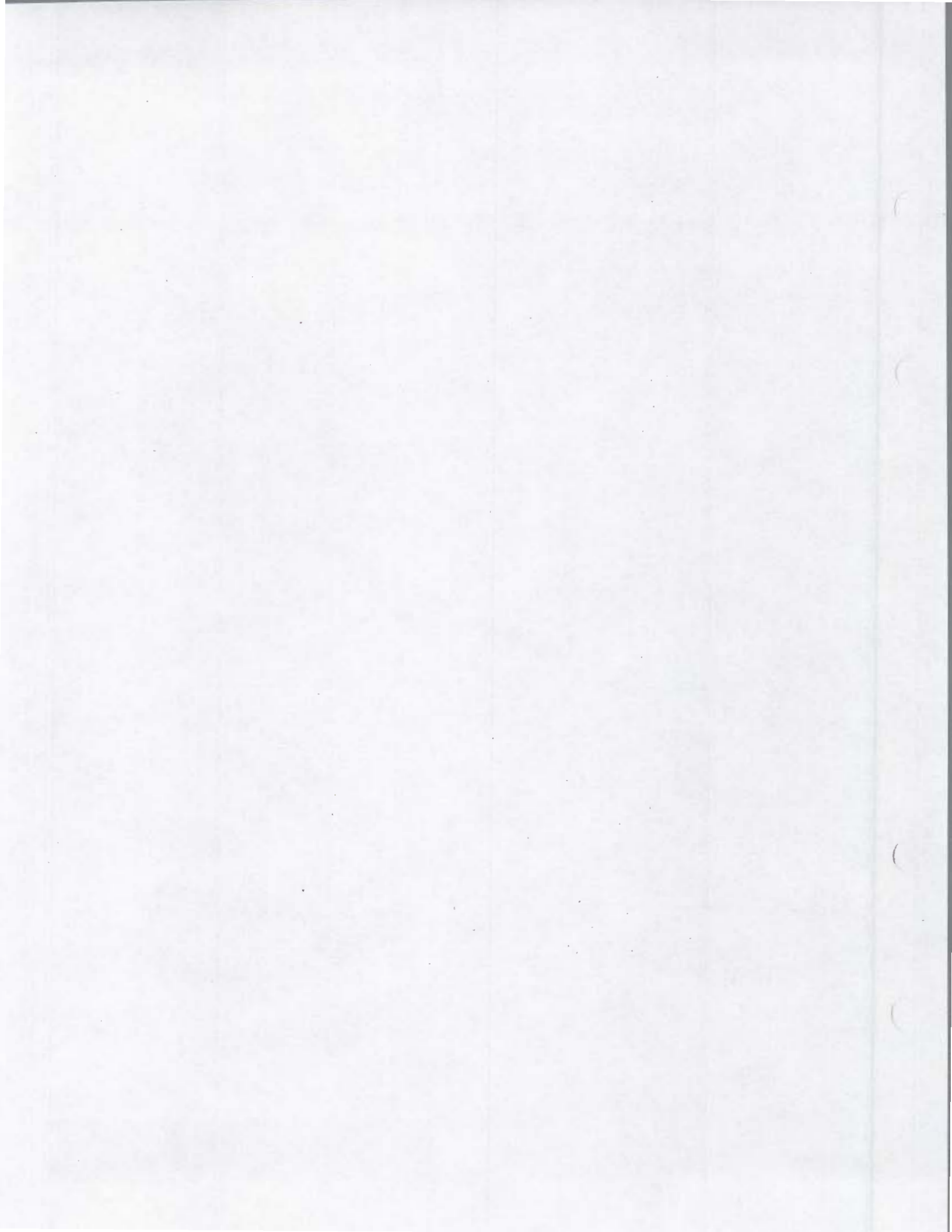
Sec. 11-4-8 Adult Permitting or Encouraging Underage Violation.

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

State Law Reference: Sec. 125.07(1)(a)3 and 4, Wis. Stats.

Sec. 11-4-9 Solicitation of Drinks Prohibited.

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the Village who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Sec. 125.02(1), Wis. Stats., or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.



Chapter 5

Offenses by Juveniles

11-5-1	Curfew
11-5-2	Possession of Controlled Substances by Juveniles
11-5-3	Petty Theft by Juveniles
11-5-4	Receiving Stolen Goods
11-5-5	Village Jurisdiction Over Persons 12 through 17 Years of Age
11-5-6	Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited
11-5-7	Truancy
11-5-8	Unlawful Sheltering of Minors
11-5-9	Purchase or Possession of Tobacco Products
11-5-10	Smoking by Minors on Public Property
11-5-11	Criminal Gang Activity Prohibited
11-5-12	Exposing Juveniles to Adult Entertainment Materials
11-5-13	Enforcement and Penalties

Sec. 11-5-1 Curfew.

- (a) **Curfew Established.** It shall be unlawful for any person under age eighteen (18) to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, place of amusement and entertainment, cemetery, playground, public building or any other public place in the Village of Boyceville between the hours of 10:00 p.m. and 5:30 a.m. Sundays through Thursdays and between 12:00 midnight and 5:30 a.m. Fridays and Saturdays, unless accompanied by his or her parent or legal guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, legal guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor:
- (b) **Exceptions.**
- (1) This Section shall not apply to a child:
 - a. Who is performing an errand as directed by his/her parent, guardian or person having lawful custody.

- b. Who is on his/her own premises or in the areas immediately adjacent thereto.
 - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d. Who is returning home from a supervised school, church or civic function, but not later than sixty (60) minutes after the ending of such function.
- (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under age eighteen (18) to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under age eighteen (18) to violate this Section.
- (d) **Detaining a Juvenile.** Pursuant to Ch. 938, Wis. Stats., law enforcement officers are hereby authorized to detain any juvenile violating the above provisions and other provisions in this Chapter until such time as the parent, legal guardian or person having legal custody of the juvenile shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the juvenile and shall sign a release for him or her, or such juvenile may be taken directly from the scene of his/her apprehension to his/her home. If such juvenile's parents or relative living nearby cannot be contacted to take custody of such juvenile and it is determined by the apprehending officer that the juvenile's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the juvenile's welfare.
- (e) **Warning and Penalty.**
- (1) **Warning.** The first time a minor, parent, legal guardian or person having legal custody of a minor is detained by a law enforcement officer of the Village, as provided in Subsection (d), such minor, parent, legal guardian or person having such legal custody shall be advised, personally, if known or by registered mail, as to the provisions of this Section, and further advised that any violation of this Section occurring thereafter by this minor or any other minor under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) **Penalty.**
- a. Any parent, legal guardian or person having legal custody of a child described in Subsections (a) through (d) who has been warned in the manner provided in Subsection (e)(1) and who thereafter violates any of the provisions of this Section shall be subject to a penalty as provided in Sec. 1-1-6 of this Code of Ordinances.

After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Ch. 938, Wis. Stats.

- b. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit not less than One Dollar (\$1.00) nor more than Twenty-five Dollars (\$25.00), together with the cost of prosecution.

Sec. 11-5-2 Possession of Controlled Substances by Juveniles.

It shall be unlawful for any person under the age of seventeen (17) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

Sec. 11-5-3 Petty Theft by Juveniles.

It shall be unlawful for any person under the age of seventeen (17), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

Sec. 11-5-4 Receiving Stolen Goods.

It shall be unlawful for a person under the age of seventeen (17) to intentionally receive or conceal property he/she knows to be stolen.

Sec. 11-5-5 Village Jurisdiction Over Juveniles.

- (a) **Adoption of State Statutes.** Secs. 938.02, and 938.17(2), Wis. Stats., are hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Definition of Adult and Juvenile.**
 - (1) "Adult" means a person who is eighteen (18) years of age or older, except that for purposes of prosecuting a person who is alleged to have violated any civil law or municipal ordinance, "adult" means a person who has attained seventeen (17) years of age.
 - (2) "Juvenile" means a person who is less than eighteen (18) years of age, except that for purposes of prosecuting a person who is alleged to have violated a civil law or

municipal ordinance, "juvenile" does not include a person who has attained seventeen (17) years of age.

- (c) **Provisions of Ordinance Applicable to Juveniles.** Subject to the provisions and limitations of Sec. 938.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against juveniles may be brought on behalf of the Village of Boyceville and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.
- (d) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (e) **Additional Prohibited Acts.** In addition to any other provision of the Village of Boyceville Code of Ordinances, no juvenile 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 Ch. 125, Wis. Stats.
- (f) **Penalty for Violations of Subsection (d).** Any juveniles who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of this Code of Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-4-7.

Sec. 11-5-6 Possession, Manufacture and Delivery of Drug Paraphernalia by a Minor Prohibited.

- (a) **Definition.** In this Section, "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance, as defined in Ch. 161, Wis. Stats., in violation of this Section. It includes but is not limited to:
 - (1) Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - (2) Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, or preparing controlled substances.
 - (3) Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
 - (4) Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.

- (5) Scales and balances used, intended for use, or designed for use, in weighing or measuring controlled substances.
 - (6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
 - (7) Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
 - (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding controlled substances.
 - (9) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use, in packaging small quantities of controlled substances.
 - (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
 - (11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting controlled substances into the human body.
 - (12) Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil, into the human body, including but not limited to:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.
- (b) **Determination of Drug Paraphernalia.** In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:
- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or federal law relating to any controlled substance.
 - (3) The proximity of the object in time and space to a direct violation of this Section.
 - (4) The proximity of the object to controlled substances.

- (5) The existence of any residue of controlled substance on the object.
 - (6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Section. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.
 - (7) Oral or written instructions provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning its use.
 - (10) The manner in which the object is displayed for sale.
 - (11) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise.
 - (12) The existence and scope of legitimate uses for the object in the community;
 - (13) Expert testimony concerning its use.
- (c) **Prohibited Uses.**
- (1) **Possession of Drug Paraphernalia.** No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Subsection.
 - (2) **Manufacture or Delivery of Drug Paraphernalia.** No person may deliver, or possess with intent to deliver, drug paraphernalia, knowing that it will be solely used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Subsection.
 - (3) **Delivery of Drug Paraphernalia by a Minor to Minor.** Any person who is under eighteen (18) years of age, who violates Subsection (3) by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years younger than the violator, is guilty of a special offense.
 - (4) **Exemption.** This Section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ch. 961, Wis. Stats. This Section does not prohibit the possession, manufacture or use of hypodermics, in accordance with Ch. 161, Wis. Stats.
- (d) **Penalties.** Any person who violates Subsection (c)(1), (2) or (3), shall upon conviction, be subject to disposition under Sec. 938.344, Wis. Stats.

Sec. 11-5-7 Truancy.

- (a) **Definitions.** For the purpose of this Section, the following definitions shall be applicable:
- (1) **Acceptable Excuse.** The meaning as defined in Sections 118.15 and 118.16(4), Wis. Stats.

- (2) **Act of Commission or Omission.** Anything that contributes to the truancy of a juvenile, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the child to be truant.
 - (3) **Habitual Truant.** A pupil who is absent from school without an acceptable excuse for either of the following:
 - a. Part or all of five (5) or more days out of ten (10) consecutive days in which school is held during a school semester.
 - b. Part or all of ten (10) or more days in which school is held during a school semester.
 - (4) **Truancy.** Any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil. Intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats., shall also be considering truancy.
- (b) **Prohibition Against Habitual Truant.** Any person attending school in the Village between the ages of six (6) and eighteen (18) years, subject to the exceptions found under Sec. 118.15, Wis. Stats., is prohibited from becoming a habitual truant as the term is defined in this Section. Any police officer in this Village is authorized to issue a citation to any such person who is determined to be a habitual truant under the terms of this Section.
- (c) **Preconditions to Issuance of Citation.** Prior to the issuance of any citation, the district school Attendance Officer shall provide evidence to the Police Department that appropriate school personnel in the school in which the juvenile is enrolled has within the school year during which the truancy occurred:
- (1) Met with or attempted to meet with the juvenile's parent or legal guardian to discuss the juvenile's truancy.
 - (2) Provided an opportunity for educational counseling to the juvenile and considered curriculum modifications.
 - (3) Evaluated the juvenile to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.
 - (4) Conducted an evaluation to determine whether social problems are the cause of the juvenile's truancy and, if so, taken appropriate action or made appropriate referrals.
- (d) **Form of Citation.** Any citation issued shall be returnable in the Municipal Court in the same manner as all other ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (e) **Disposition.** Upon a finding the juvenile is habitually truant, the following dispositions are available to the Court:
- (1) **Suspension of Operating Privileges.** Suspend the juvenile's operating privileges as defined in Sec. 340.02(40), Wis. Stats., for not less than thirty (30) days nor more

than ninety (90) days. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.

- (2) **Counseling, Service or Work Program.** Order the juvenile to participate in counseling, community service or a supervised work program under Sec. 48.34(9), Wis. Stats.
 - (3) **In-House Restraint.** Order the juvenile to remain at home except for the hours in which the juvenile is attending religious worship or a school program including travel time required to get to and from the school program or place of worship. The order may permit a juvenile to leave home if the juvenile is accompanied by a parent or legal guardian.
 - (4) **Educational Programs.** Order the juvenile to attend an educational program as set forth in Sec. 48.34(12), Wis. Stats.
 - (5) **Revocation of Work Permits.** Order the Department of Industry, Labor and Human Relations (DILHR) to revoke a work permit to the juvenile.
 - (6) **Teen Court Program.** Order the juvenile to be placed in a teen court program if all of the following conditions apply:
 - a. The chief judge of the judicial administrative district has approved a teen court program established in juvenile's county of residence and the judge determines that participation in the court program will likely benefit the juvenile and the community;
 - b. The juvenile admits or pleads no contest to the allegations that the juvenile was truant in open court with the juvenile's parent, legal guardian or legal custodian present;
 - c. The juvenile has not successfully completed participation in a teen court program during the two (2) years before the date of the alleged violation.
 - (7) **Parental Counseling.** Order the parent, legal guardian or legal custodian of a habitually truant juvenile to participate in counseling at his or her own expense.
- (f) **Required School Attendance.**
- (1) **Violations.** Any person having under his/her control a juvenile who is between the ages of six (6) and eighteen (18), subject to the exceptions found in Sec. 118.15, Wis. Stats., shall cause the juvenile to attend school regularly during the full period and hours that the public or private school in which the juvenile shall be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the juvenile becomes eighteen (18) years of age.
 - (2) **Exceptions.**
 - a. A person will not be found in violation of this Subsection if that person can prove that he/she is unable to comply with the provisions of this Section because of the disobedience of the juvenile. The juvenile shall be referred to the Court assigned to exercise jurisdiction under Chapter 938, Wis. Stats.

- b. A person will not be found in violation of this Subsection if he/she has a juvenile under his/her control and the child has been sanctioned under Sec. 49.50(7)(h), Wis. Stats.
- (3) **Proof Required for Exactng a Penalty.** Before a person may be found guilty of violating this Section, the school attendance officer must present evidence to the Court that the activities under Sec. 118.16(5), Wis. Stats., have been completed by the school system. If that evidence has been presented to the Court and if the Court finds a person guilty of violating this Section, a forfeiture may be assessed as hereinafter provided.
- (g) **Contributing to Truancy.**
- (1) Except as provided in Subsection (g)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined in Subsection (g)(4), of a juvenile shall be subject to a forfeiture pursuant to Section 1-1-6.
 - (2) Subsection (1) above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats.
 - (3) An act or omission contributes to the truancy of a child, whether or not the juvenile is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the juvenile to be a truant.
 - (4) "Truancy" means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or legal guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.
- (h) **Parent or Legal Guardian Liability for Truancy.**
- (1) Unless the juvenile is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a juvenile who is between the ages of six (6) and eighteen (18) years shall cause the juvenile to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the juvenile should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the juvenile becomes eighteen (18) years of age.
 - (2) a. A person found to have violated Subsection (h)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-6.
b. Subsection (h)(2)a above does not apply to a person who has under his or her control a juvenile who has been sanctioned under Sec. 49.26(1)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (h)(1) because of the disobedience of the juvenile.

Sec. 11-5-8 Unlawful Sheltering of Minors.

- (a) No person shall intentionally shelter or conceal a minor child who:
 - (1) Is a "runaway child", meaning a child who has run away from his or her parent, legal guardian or legal or physical custodian; or
 - (2) Is a child who may be taken into custody pursuant to Sec. 48.19, Wis. Stats.
- (b) Subsection (a) applies when the following conditions are present:
 - (1) The person knows or should have known that the child is a child described in either Subsection (a)(1) or (a)(2); and
 - (2) The child has been reported to a law enforcement agency as a missing person or as a child described in Subsection (a)(1) or (a)(2).
- (c) Subsection (a) does not apply to any of the following:
 - (1) A person operating a runaway home in compliance with Sec. 48.227, Wis. Stats.; or
 - (2) A person who shelters or conceals a child at the request or with the consent of the child's parent, legal guardian or legal or physical custodian except if the sheltering or concealment violates Sec. 946.71 or 946.715, Wis. Stats.; or
 - (3) A person who immediately notifies a law enforcement agency, county department of public welfare or social services, or the intake worker of the court exercising jurisdiction under Ch. 48 or 938, Wis. Stats., that he or she is sheltering or concealing such child and provides the person or agency notified with all information requested.

Sec. 11-5-9 Purchase or Possession of Tobacco Products.

- (a) **Definition of Tobacco Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- (c) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or legal guardian's home shall not be prohibited.
- (d) **Statutes Adopted.** The provisions of Secs. 48.983, 134.66 and 778.25(1)(a), Wis. Stats., are adopted by reference and incorporated herein.

Sec. 11-5-10 Smoking by Minors on Public Property.

No person under the age of eighteen (18) years shall carry or possess a lighted cigar, cigarette, pipe, or any other lighted smoking equipment or tobacco product restricted by state law on public

property or school grounds within the Village of Boyceville between the hours of 7:00 a.m. and 5:00 p.m.

Sec. 11-5-11 Criminal Gang Activity Prohibited.

- (a) **Authority.** This Section is adopted pursuant to the authority granted by Sec. 66.051 and Chapter 948, Wis. Stats.
- (b) **Definitions.** For purposes of this Section, the following terms are defined:
 - (1) **Criminal Gang.** An ongoing organization, association or group of three (3) or more persons, whether formal or informal, that has as one of its primary activities, the commission of one (1) or more criminal or unlawful acts, or acts that would be criminal or unlawful if the actor were an adult, specified in Sec. 939.22(21)(a) to (s), Wis. Stats., or in any of the Municipal Code sections referred to in Subsection (b)(2) below; that has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
 - (2) **Pattern of Criminal Gang Activity.** Has the same meaning as the definition in Sec. 939.22(21), Wis. Stats., the list of offenses in Subsections (a) to (s) of that Section to Title 11 of this Code of Ordinances.
 - (3) **Unlawful Act.** Includes a violation of any of the Municipal Code sections referred to in Subsection (b)(2) above or any criminal act or act that would be criminal if the actor were an adult.
- (c) **Unlawful Activity.**
 - (1) It is unlawful for any person to engage in criminal gang activity.
 - (2) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to commit or attempt to commit any violation of the provisions of this Section, or any one (1) or more of those sections of the Municipal Code referred to in Subsection (b)(2) above.
 - (3) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to participate in criminal gang activity.
 - (4) It is unlawful for any person to solicit or attempt to solicit a person who has not attained the age of eighteen (18) years, to join a criminal gang.

Sec. 11-5-12 Exposing Juveniles to Adult Entertainment Materials.

Any adult entertainment materials, including but not limited to videos or magazines, shall not be displayed for purposes of sale or rental in such manner that depictions of nudity or sexual act may be viewed or read by minors.

Sec. 11-5-13 Enforcement and Penalties.

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-12, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-12 by a person under the age of eighteen (18) shall be punishable according to Section 1-1-7 of this Code of Ordinances and Sections 938.17(2), 938.343, 938.344 and 938.345, Wis. Stats. Nothing in this Section shall prevent the juvenile officer, in his/her discretion, from referring cases directly to the District Attorney's office.

Chapter 6 Public Nuisances

11-6-1	Public Nuisances Prohibited
11-6-2	Public Nuisances Prohibited
11-6-3	Public Nuisances Prohibited
11-6-4	Public Nuisances Prohibited
11-6-5	Public Nuisances Prohibited
11-6-6	Public Nuisances Prohibited
11-6-7	Public Nuisances Prohibited
11-6-8	Public Nuisances Prohibited

Sec. 11-6-1 Public Nuisances Prohibited.

No person shall... (faint text)

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.
- (g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the Village or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

Sec. 11-6-4 Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

- (b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
- (d) **Continuous Violation of Village Ordinances.** Any place or premises within the Village where Village ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

Sec. 11-6-5 Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Tree Limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

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- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Village.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

Sec. 11-6-6 Public nuisances regarding motor vehicles, junk, recreational equipment or firewood.

- (a) **The following are also declared to be public nuisances wherever they may be found within the Village:**
 - (1) Storage of abandoned or junked motor vehicles or motor vehicle accessories as enumerated at 11-6-6(b).
 - (2) Parking of vehicles in street yard contrary to 11-6-6(c).
 - (3) Storage of junk contrary to Section 11-6-6(d).
 - (4) Parking or storage of recreational equipment contrary to Section 11-6-6(e).
 - (5) Storage of firewood contrary to Section 11-6-6(f).
- (b) **Abandoned or Junked Motor Vehicles or Motor Vehicle Accessories.**
 - (1) **Definitions.**
 - a. "Junked motor vehicle" means any motor vehicle which is partially dismantled or wrecked and does not comply with Wis. Admin. Code Trans 305.
 - b. "Motor Vehicle" means any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.
 - c. "Motor vehicle accessories" means any part or parts of any motor vehicle.

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- d. "Abandoned motor vehicle" means a motor vehicle which, through disuse and failure to be used, remains in one location for a period of thirty (30) days or more, or a motor vehicle which has been reported as stolen to any Police Department, or a motor vehicle which does not have affixed a current motor vehicle license.
- e. "Person" includes any individual, firm, partnership, or corporation.
- f. "Private Property" means any real property not owned by the Federal, State, County or Village government, School District, or other public subdivisions.
- g. "Removal" means the physical relocation of a motor vehicle to an authorized location.

(2) Storage Prohibited.

- a. No person owning or having custody of any junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories shall store or permit any such vehicle or accessories to remain on any private property within the Village for a period of more than thirty (30) days. No person owning any private property in the Village shall store or permit to remain any such junked or abandoned motor vehicle or motor vehicle accessories on his property for more than a thirty (30) day period. Such storage is declared to be a public nuisance and may be abated or removed and penalties imposed as provided in this Section.
- b. No person, after notification to remove any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories from any private property has been given pursuant to this Section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway or other public property for purposes of storage.
- c. No person or property owner, after notification to remove any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories from any private property has been given pursuant to this section, shall within six (6) months of said prior notification again store or permit any such vehicle or accessories to be on private property, such storage is declared to be a public nuisance and may be abated, or removed, and penalties imposed as provided in this section.

(3) Storage; Permitted When. This Section shall not apply to:

- a. Any junked motor vehicle or motor vehicle accessories or any abandoned motor vehicle stored inside an enclosed building or within a fence creating a complete, opaque enclosure (woven material or chain link fences may not be used) at a height of no less than the height of the material being fenced. The term fence and the provisions regarding fences referenced in Section 13-1-142 are incorporated herein by reference as if fully set forth..
- b. any licensed automobile salvage yard in properly zoned district, or
- c. Any licensed auto repair and/or auto body shops in a properly zoned district, but this section shall apply to automobile service stations or tire, battery and accessory sale stores.

(4) Investigation of Premises. The Police Department, on routine patrol or upon receipt of a complaint from the Building Inspector or any other person, may investigate a suspected abandoned motor vehicle, or motor vehicle accessories and record the make, model, style, and identification numbers and its situation.

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- (5) Notice of Removal. Notwithstanding any other provisions in this Chapter regarding enforcement of public nuisances, whenever the Chief of Police, or a member of his Department, shall find or be notified that any abandoned motor vehicle, junked motor vehicle or motor vehicle accessories has been stored or permitted to remain on any private property within the Village, other than those permitted instances described in paragraph (3), the Chief of Police or any member of the Police Department shall give notification in writing in person (1) to the owner of record of such abandoned or junked motor vehicle or motor vehicle accessories, if such owner can be ascertained by the exercise of reasonable diligence, and (2) to the owner of the private property, as shown on the tax assessment records of the Village, on which the same is located, to remove the junked motor vehicle, abandoned motor vehicle, or motor vehicle accessories within ten (10) days. The officer shall document time, date and place of service of the notice. Such notice shall also contain the following information:
- a. Nature of complaint.
 - b. Description and location of the motor vehicle and/or motor vehicle accessories.
 - c. Statement that the motor vehicle or motor vehicle accessories shall be removed from the premises no later than ten (10) days from the date of notification.
 - d. Statement that removal from the location specified in the notification to another location upon which storage is not permitted is prohibited and shall subject the person to additional penalty.
 - e. Statement that if removal is made within the time limits specified, notification shall be given in writing of such removal to the Chief of Police.
 - f. Statement of the penalties provided for if there is non-compliance with such notice.
- If the owner of record of the private property on which such junked or abandoned motor vehicle or motor vehicle accessories are located cannot be so notified in person and/or if such owner of record of such junked or abandoned motor vehicle or motor vehicle accessories cannot be so notified in person, the Chief of Police or any member of the Police Department shall send by certified mail to such person(s) a notice as set forth above to remove the junked or abandoned motor vehicle, or motor vehicle accessories within ten (10) days.
- (6) Penalties. Each and every violation of the provisions of this Section shall constitute a separate offense, and each and every day any provision of this Section is violated shall constitute a separate offense for which a forfeiture may be imposed.

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(c) Street Yard Parking.

- (1) Purpose. It is hereby recognized that uncontrolled residential off-street parking, specifically in residential street yards, 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 Village.
- (2) The definitions of words or phases used herein shall be as defined in 13-1-200 of the Code of Ordinances, Village of Boyceville, Wisconsin, and as defined below.
 - a. Drive Apron. The connection between a driveway and the travelled portion of a street, in the public right of way, including any sidewalk area abutting thereon.
 - b. Driveway. An improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for circular turnaround or circular through traffic.
 - c. Improved Surface. A surface of bituminous or Portland cement concrete or other material, other than grass, such as crushed rock, gravel or other materials, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water run-off and is graded and drained to dispose of all surface water.
 - d. Motor Vehicle. A vehicle as defined in Section 340.01, Wisconsin Statutes.
 - e. Parking Pad. An improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles are parked.
 - f. Residential. Any single-family dwelling or two-family dwelling in any residential district (R-1, R-2 or R-3) or any dwelling formerly single-family or two-family in any district which has been converted to a boarding house or lodging house or other multiple-family dwellings.
- (3) The parking of any motor vehicle upon a residential lot shall be in compliance with the following standards.
 - a. The parking of any motor vehicle within the street yard shall be on a driveway or parking pad.
 - b. No parking pad shall be allowed in the street yard except:
 - i. the Board of Appeals is granted the authority to grant a variance from this requirement in circumstances where sufficient space is neither available in any side yard nor in the rear yard, upon such terms and conditions as the Board requires, provided, however, that the parking pad be shielded from the street by landscaping, hedges or decorative fencing, and
 - ii. in a licensed mobile home park, a parking pad for a maximum of two (2) vehicles shall be allowed in the street yard.

- c. A single-width driveway running from the street access to a garage or parking pad shall not utilize more than fifteen percent (15%) of any street yard, except for street yards with a street footage width of less than seventy feet (70') in which case the maximum width for a single driveway shall be eleven feet (11')
 - d. A double-width driveway running from the street access to a garage or parking pad shall not utilize more than twenty seven percent (27%) of any street yard; provided, the maximum width of a driveway shall not exceed twenty four feet (24') in any case and shall not exceed eighteen feet (18') for street yards with a street footage width of less than seventy feet (70').
 - e. A triple-width driveway running from the street access to a garage or parking pad shall not utilize more than thirty three percent (33%) of any street yard; provided that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for street yards with a street footage width of less than eighty feet (80').
 - f. Circular driveways used for turnaround or through traffic shall not utilize more than thirty percent (30%) of any street yard, and shall not be permitted for street yards with a street footage width of less than eighty feet (80').
 - g. Setback Areas. On residential lots, the required street yard setback shall not be considered a part of the permitted parking area but shall be landscaped, except that motor vehicle parking shall be permitted in a legal driveway or garage and except that the Board of Appeals is granted the authority to grant a variance from this requirement upon such terms and conditions as the Board requires, in circumstances where sufficient space is neither available in any side yard nor in the rear yard.
- (4) Penalties. Each and every violation of the provisions of this Section shall constitute a separate offense and each and every day any provision of this Section is violated shall constitute a separate offense for which a forfeiture may be imposed.
- (d) **Storage of junk prohibited.**
- (1) No person shall accumulate, store or allow any junk outside of any building or on any public or private property located in the Village.
 - (2) "Junk" means worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, tires, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon health, safety or general welfare or which annoys any appreciable number of reasonable persons in the Village.
- (e) **Storage of recreational equipment regulated.** No person shall park or store any recreational equipment in any street yard, whether or not on a driveway or parking pad, for a period of more than forty-eight (48) hours. Recreational equipment shall be defined as race cars, demolition cars, mud bogging

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vehicles, truck and tractor pulling vehicles and/or any other related equipment or accessories.

- (f) **Storage of firewood regulated.** Violation of Section 13-1-141 shall be considered to be a public nuisance. (Adopted August 9, 1999)

Sec. 11-6-7 Abatement of Public Nuisances.

(a) **Summary Abatement.**

(1) **Notice of Owner.** If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger to public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

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

(b) **Abatement by Court Action.** If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in Dunn County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

(c) **Court Order.** Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin. (Adopted August 9, 1999)

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Sec. 11-6-8 Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the costs of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge. (Adopted August 9, 1999.)

Sec. 11-6-9 Enforcement; Penalty.

- (a) **Enforcement.** The Chief of Police, Fire Chief, Director of Public Works and Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 11-6-7 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) **General Penalty.** Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6. (Adopted August 9, 1999)

Sec. 11-6-10 Solid Fuel-Fired Outdoor Heating Devices.

- (1) **Intent and Purposes.** The Village Board of the Village of Boyceville has the authority to exercise its police powers for the general health, welfare and safety of the residents of the Village. It is recognized and found that the type of fuel used by and the scale and duration of the burning by solid fuel-fired outdoor heating devices and the smoke and particulate emissions emanating therefrom create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizens' health, and can deprive neighboring property owners/users of the enjoyment of their property or premises when such devices are located in an urban setting. Such devices are hereby declared to be a public nuisance.
- (2) **Definition.** Solid fuel-fired outdoor heating device means any equipment, device or apparatus, or any part thereof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior of a building or for a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water and/or energy is to be generated. Said device shall be deemed to be outdoors, even if it is located in a building or structure.

(3) **Prohibition of Solid Fuel-fired Outdoor Heating Devices.** It shall be unlawful for any person to install, construct, operate or use a solid fuel-fired outdoor heating device in the Village of Boyceville, except as set forth at subsection (4).

(4) **Nonconforming Use.**

- (a) The lawful use or operation of any solid fuel-fired outdoor heating device, existing as of the effective date of this section, may be continued, subject to the requirements of this subsection.
- (b) The property owner of any solid fuel-fired outdoor heating device existing as of the effective date of this section shall, within six (6) months of the effective date of this section, a) install a fifteen foot or higher stack chimney if not currently equipped; and b) register said device with the Village of Boyceville building inspector and receive a permit evidencing its status as a non-conforming use under this section.
- (c) No non-conforming solid fuel-fired outdoor heating device shall hereafter be extended, enlarged, or expanded.
- (d) Any solid fuel-fired outdoor heating device existing as of the effective date of this section, which use has been discontinued for a period of twelve (12) consecutive months, shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the solid fuel-fired outdoor heating device at the end of said twelve (12) months, the Village shall give written notice by certified mail or personal service. Such notice shall provide that such person shall remove the solid fuel-fired outdoor heating device within fifteen (15) days of the notice.
- (e) Solid fuel-fired outdoor heating devices permitted to be used or operated pursuant to subsection (4)(a) shall be required to use clean wood or wood specifically permitted by the manufacturer as fuel. Clean wood is defined as 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. The use of the following materials as fuel is strictly prohibited:

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1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
2. Kerosene, gasoline or petroleum products.
3. Asphalt and products containing asphalt.
4. Wood or wood products, other than clean wood.
5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
6. Rubber including tires and synthetic rubber-like products.
7. Newspaper, corrugated cardboard, container board and office paper.

(5) **Exemption.** This ordinance shall not apply to the installation and use of a wood pellet stove or a corn stove.

- (a) A wood pellet stove is a stove designed to burn commercially produced wood pellets.
- (b) A corn stove is a stove designed to burn shelled corn.
- (c) This exemption shall be available only for the use of commercially produce wood pellets or corn as the case may be. The use of any other material in a wood pellet stove or corn stove is prohibited.

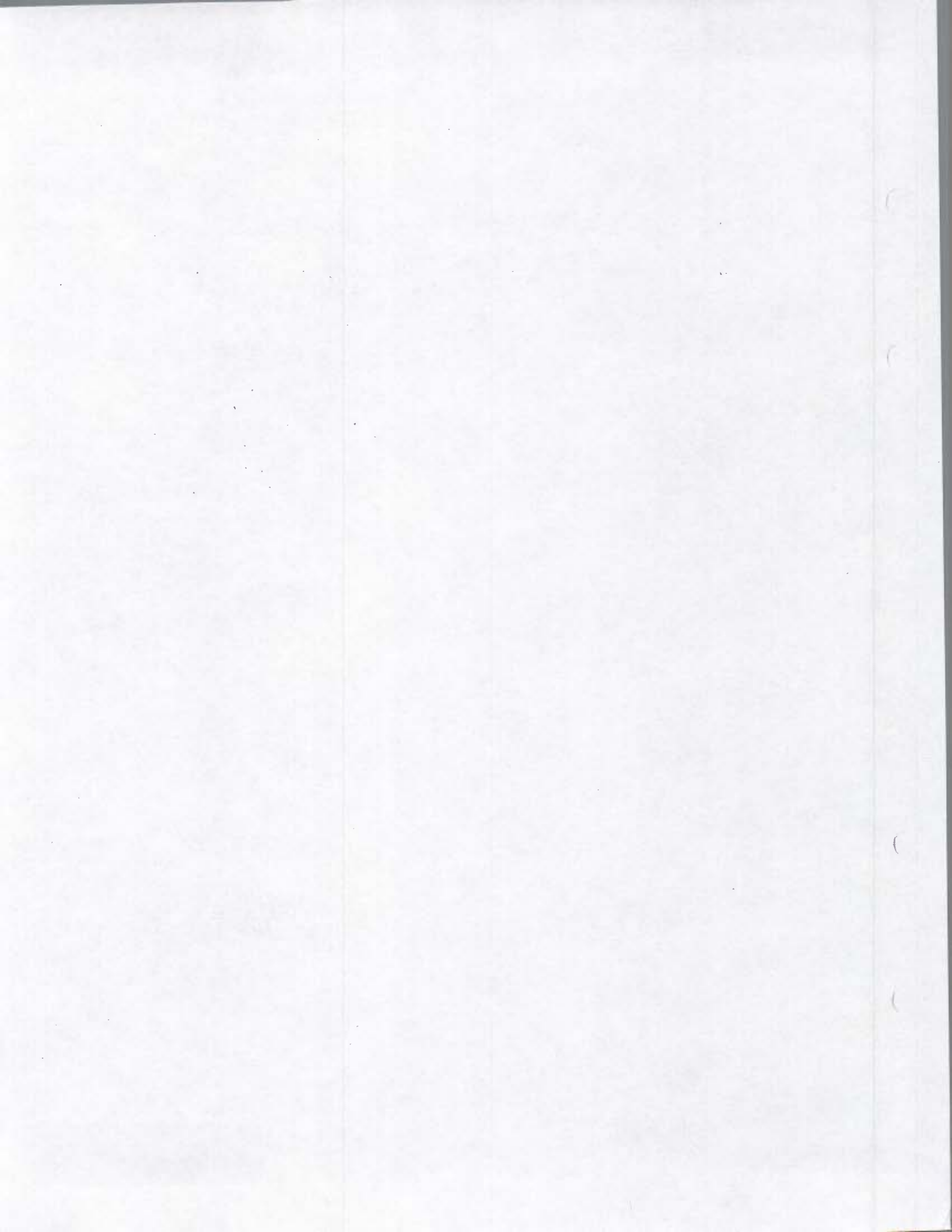
(6) The fire chief, police chief, public works director, building inspector or their subordinates are authorized to inspect all installations, and enforce the provisions of this section.

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- (7) The penalty for violation of this section shall be a forfeiture of not less than two hundred fifty dollars (\$250.00) plus statutory costs of prosecution. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues. This section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this section.

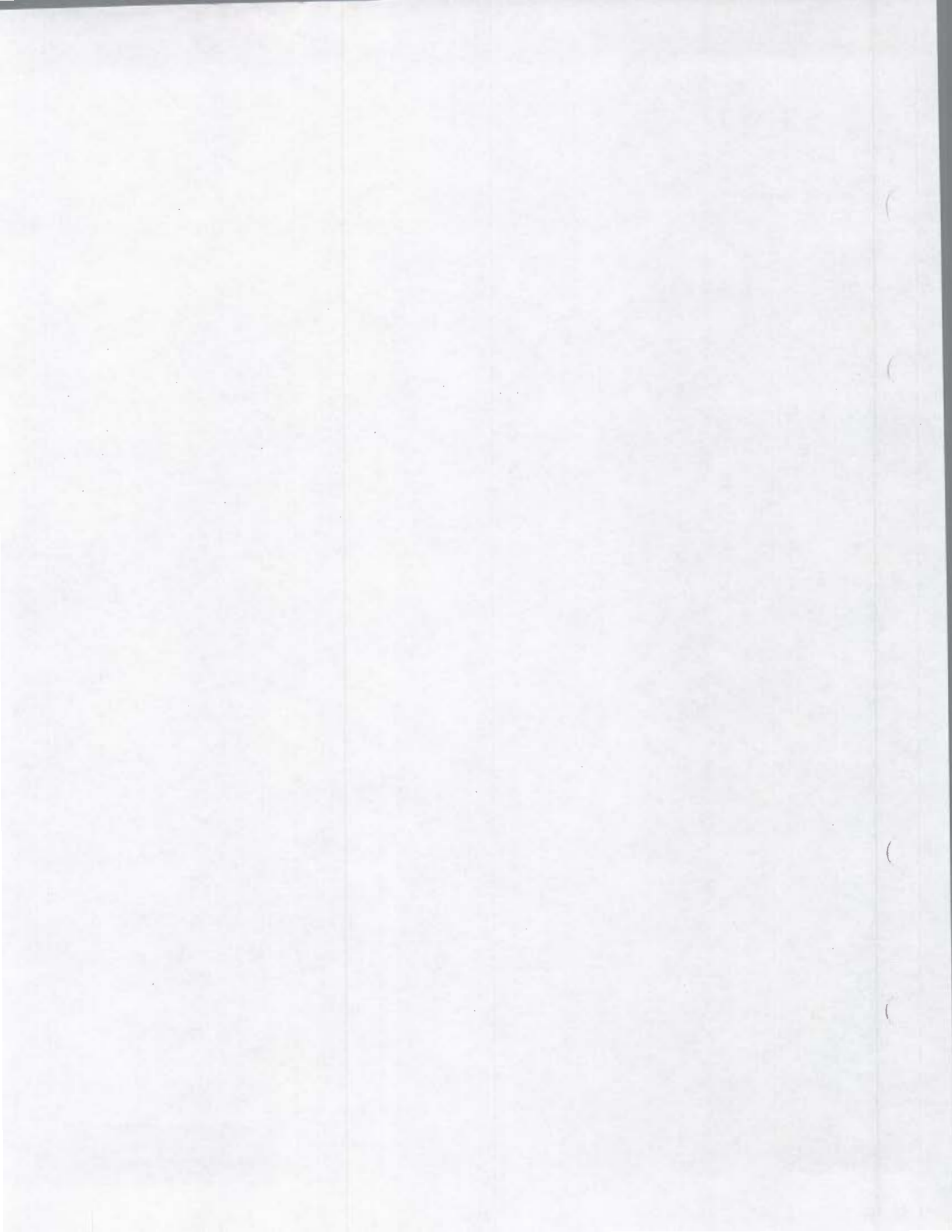
- (8) Severability. The provisions of this section are severable. If any provision or subsection is held to be invalid or unconstitutional or if the application of any provision or subsection to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions, subsections or applications of this section which can be given effect without the invalid or unconstitutional provision, subsection, or applications. It is hereby declared to be the intent of the (Village Board) Common Council that this section would have been adopted had any invalid or unconstitutional provision or application not been included herein.



TITLE 12

Parks and Navigable Waters

Chapter 1 Parks and Navigable Waters



Chapter 1

Parks and Navigable Waters

12-1-1	Park Regulations
12-1-2	Operation of Remote or Radio-Controlled Airborne
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Reservation of Park Space or Park Shelters
12-1-6	Unauthorized Presence on Airport Runways

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Boyceville from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, swimming pool or conservancy area in the Village.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
 - (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
 - (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
 - (5) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Village parks.
 - (6) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic

areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(7) **Protection of Park Property.**

- a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.

(8) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

(9) **Snowmobiles.** No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.

(10) **Speed Limit.** No person shall operate any vehicle in a Village park in excess of fifteen (15) miles per hour unless otherwise posted.

(11) **Glass Beverage Bottles in Parks Prohibited.** No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.

(12) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.

(13) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area.

(14) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.

- (15) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (16) **Golfing and Sporting Activities.** No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (17) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (18) **Fees and Charges.** The Village Board shall establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (19) **Pets.** Pets, including animals of any species, shall not be permitted to run at large in any Village parks, except for Village-approved events.
- (20) **Firearms; Hunting.** Hunting is prohibited in all Village parks.
- (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (23) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.
- (25) **Camping.** No overnight camping shall be permitted in any park, except where approval of the Village Board or duly authorized agent is first obtained or if such camping is done in the park area designated for travel trailer or camping use.

Cross-Reference: Section 11-4-1.

Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, vehicle or any other such airborne device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3 Turf Protection on Public Property.

Except as authorized by the Chief of Police or Village Board, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any

trees or flowers. Absent authorization by the Chief of Police or Village Board, the use of metal detectors and digging for buried objects on Village parks or recreational property is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Hours Established.** All Village parks shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m., Monday through Thursday, and closed to the public Friday through Sunday and holidays between the hours of 1:00 a.m. and 6:00 a.m. Any law enforcement officer of the Village may clear all persons from the Village parks during closing hours.
- (b) **Exceptions.**
 - (1) The regular closing hours of the Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specified days and for specific purposes and users of those areas designated for travel trailer use for camping purposes.
 - (2) The regular closing hours of the Village parks do not apply to events for which a "Special Class B" permit has been issued or to persons in attendance at a regularly scheduled ball game at the ball diamond or other athletic events located in the Village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of a regularly scheduled game.

Sec. 12-1-5 Reservation of Park Space.

- (a) **Policy on Reservation.** The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, in the Village of Boyceville to the end that the general welfare of the Village is protected.
- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for a permit for exclusive use of the same. The Village Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.

- (c) **Application.** Applications shall be filed with the Village Board at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Village Board or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Village Board shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants under this Section may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood

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of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

- (g) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Boyceville.
- (h) **Permit Revocation.** The Village Board, or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) **Form of Permit.** Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

Cross-Reference: Sections 7-2-11 and 11-4-1.

Sec. 12-1-6 Unauthorized Presence on Airport Runways.

No unauthorized person or vehicle shall be on runways of the Boyceville Municipal Airport at any time. This Section shall not apply to maintenance personnel or actual airport users.

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ZONING CODE

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Zoning Code

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Article A: Introduction

Sec. 13-1-1 Authority.

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

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

Sec. 13-1-2 Title.

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Boyceville, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

Sec. 13-1-3 General Purpose.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Boyceville, Wisconsin.

Sec. 13-1-4 Intent and Purposes in View.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

13-1-4

- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty of the Village of Boyceville;
- (j) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Boyceville;
- (r) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

Sec. 13-1-5 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 13-1-6 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Boyceville.

Sec. 13-1-7 Severability and Non-Liability.

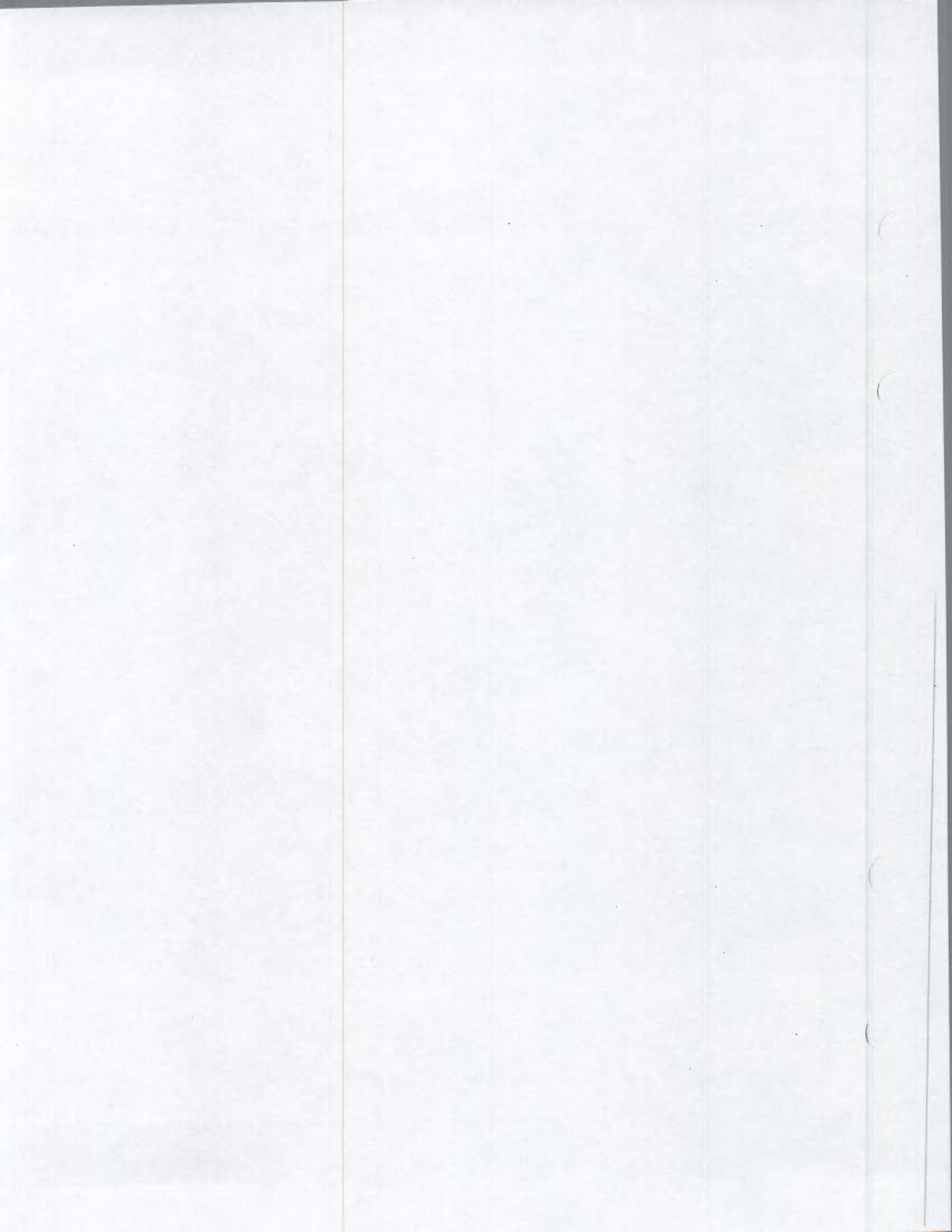
- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

Sec. 13-1-8 Repeal and Effective Date.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

Sec. 13-1-9 Reserved for Future Use.



Article B: General Provisions

Sec. 13-1-10 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Boyceville.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

Sec. 13-1-11 Use Regulations.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Village Board in

accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.

- (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Village Board in accordance with Article E of this Chapter.
 - (5) Limited conditional uses authorized by Village Board resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (d) **Uses Not Specified in Code.**
- (1) Uses not specified in this Chapter which are found by the Village Board to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Village Board after consideration and recommendation by the Village Board, public hearing and approval in accordance with Article E of this Chapter.

Sec. 13-1-12 Site Regulations.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of forty (40) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

- (d) **Lots Abutting More Restrictive Districts.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (e) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (f) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.
- (h) **Corner Side Yards.** The required side yard on the street side of corner lots shall be at least fifty percent (50%) greater than the minimum specified for the District.
- (i) **Required Buffer Strips in Industrial Districts.** Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any Industrial-Residential boundary, a buffer strip not less than forty (40) feet in width, as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the Residential District, shall be planted within the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the Industrial-Residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

Sec. 13-1-13 Modifications and Area Exceptions.

- (a) **Height.** The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
- (1) Churches, schools, hospitals, sanitoriums and other public and quasi- public buildings may be erected to a height not exceeding sixty (60) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
 - (2) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the eheight regulations of this Code and may be erected in accordance with other regulations or codes of the Village.
 - (3) Every part of a required yard shall be open to the sky, unabstracted, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than thirty-six (36) inches.
 - (4) Open or enclosed fire escapes and fire towers may be project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3 1/2) feet, provided it be so located as not to be obstruct light and ventilation.

Sec. 13-1-14 Reduction or Joint Use.

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

Sec. 13-1-15 Sexually Oriented Business Moritorium.

An interim ordinance adopting a moratorium for the purpose of protecting the planning process and the health, safety and welfare of the citizens of Boyceville by restricting and prohibiting sexually oriented businesses.

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the communities where they located, and

WHEREAS, the Village Board is aware, based on the experiences of other communities, that certain activities as defined herein, and the sexually oriented businesses within which such activities or simulations thereof may occur, may and do generate secondary effects which, the Board believes, are detrimental to the public health, safety and welfare of the citizens of the Village of Boyceville; among these secondary effects are (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of both commercial and residential property values, or the failure to appreciate at the rate of other comparable properties, of property located in proximity to sexually oriented businesses, (c) health risks through the spread of sexually transmitted diseases; and

WHEREAS, the Village Board recognizes the freedom of speech is one of our most precious and protected rights, and wishes to act consistently with full protection of that right; and the Council has no wish to regulate the freedom of expression that may be inherent in these activities, but only seeks to minimize, prevent and control those adverse secondary effects; and

WHEREAS, the Board recognizes that some activities described herein are protected as expression under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution, and the Council wishes to act consistently with full protection of those rights; and

WHEREAS, the Board finds, however, that sexually oriented businesses have serious objectionable operational characteristics, particularly when located in proximity to each other and other areas as specified herein, and thereby have an impact on the neighborhoods surrounding them which is distinct from the impact caused by other commercial uses; and

WHEREAS, the Board, desiring to prevent those adverse effects in the Village of Boyceville, are currently considering changes to the Boyceville Zoning Code that would lawfully restrict and regulate sexually oriented uses, limiting the proximity and contact between these activities, and the businesses within such activities or simulations thereof may occur, from the adjacent areas and surrounding neighborhoods, thereby promoting the goal of reducing the secondary effects as noted above; and

WHEREAS, the Board finds that in order to protect the planning process it is necessary to enact this moratorium,

NOW, THEREFORE,

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE DO ORDAIN AS FOLLOWS:

Section 1. MORATORIUM

Based upon these findings of potential adverse secondary effects, it is hereby determined that the development, creation and establishment of any sexually oriented business with the Village is prohibited for a period of one year from the effective date of this Ordinance.

Section 2. DEFINITIONS.

- (A) ADULT ARCADE means any place to which the public is permitted or invited. Wherein, for any form of compensation, still or motion picture machines, projections, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- (B) ADULT BOOKSTORE or ADULT VIDEO STORE means a commercial establishment that, as one of its principal business purposes, offers for sale or rental of any form of consideration any one or more of the following:
1. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes, or video reproductions, slides, or other visual representations that depict or describe "specific sexual activities" or "specified anatomical areas."
 2. instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offer for sale or rental of material depicting or described "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

- (C) ADULT CABARET means a night club, dance hall, bar, restaurant, or similar commercial establishment that regularly features:

1. person who appear in a state of nudity; or
 2. live performances that are characterized by "specified sexual activities"; or
 3. films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction of "specified sexual activities" or "nudity"; or
 4. persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- (D) **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."
- (E) **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity, and/or live performances that are characterized by the "exposure of specified anatomical areas" or by "specified sexual activities."
- (F) **BREAST** means that portion of the human female mammary gland (commonly referred to as the female breast) which is located below a point immediately above the top of the areola (the darker colored area of the breast surrounding the nipple).
- (G) **BUTTOCKS** means the area at the rear of the human body (sometimes referred to as the gluteus maximus) which includes the anus and the anal cleft or cleavage.
- (H) **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated as an employee, independent contract, agent, or otherwise, and whether or not the person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of equipment on the premises, or for the delivery of goods to the premises, nor does "employee" include a person exclusively on the premises as a patron or customer.
- (I) **ESCORT** means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.
- (J) **ESCORT AGENCY** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

- (K) ESTABLISHMENT means and includes any of the following:
1. the opening or commencement of any sexually oriented business as a new business;
 2. the conversion of an existing business, whether or not a sexually oriented business to any sexually oriented business;
 3. the additions of any sexually oriented business to any other existing sexually oriented business; or
 4. the relocation of any sexually oriented business; or
 5. a sexually oriented business or premises on which a sexually oriented business is located.
- (L) NUDITY or a STATE OF NUDITY means the appearance of the human bare buttocks, pubic area, male genitals, female genitals, female breast (as defined in this section), or vulva, with less than fully opaque covering.
- (M) PERSON means an individual, proprietorship, corporation, association, or other legal entity.
- (N) PREMISES means the real property upon which the sexually oriented business is located, and all appurtenances thereto and building thereon, including but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the owner or operator of the business.
- (O) REGULARLY means recurring at fixed or uniform intervals, as in every night or every Thursday; or when inspections during the normal operating hours of the business, and in separate weeks find the activity occurring on three consecutive occasions.
- (P) SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- (Q) SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or sexual encounter center.

(R) SPECIFIED ANATOMICAL AREAS means:

1. the human male genitals in a discernibly turgid state, even if fully and opaquely covered.
2. less than completely and opaquely covered human genitals, pubic region, buttock, or a female breast (as defined in this section).

(S) SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast, whether covered or uncovered;
2. sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

Section 3. EXEMPTIONS

- (A) Notwithstanding any other provision of this ordinance, a mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.
- (B) The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interest or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with these establishments. This ordinance applies content-neutral restrictions on the place and manner that sexually oriented businesses may operate with the Village of Boyceville.

Section 4. PUBLIC NUISANCE

Violation of this Ordinance is declared to be a public nuisance per se, which shall be abated by Village Attorney by way of civil abatement procedures.

Section 5.

SAVINGS AND EFFECTIVE DATE

In all other ways the Village of Boyceville Municipal Code and Zoning Code will remain in full force and effect. This ordinance shall be in full force and effect from and after its passage and publication.

Section 6.

SEVERABILITY

If any provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, or if the application of this ordinance to any person or circumstances is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Article C: Zoning District

Sec. 13-1-20 Establishment of Districts.

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Boyceville into the following eight (8) basic zoning districts:
- (1) A-1 Agricultural District
 - (2) R-1 Single-Family Residential District
 - (3) R-2 Two-Family Residential District
 - (4) R-3 Multiple-Family Residential District
 - (5) B-1 Business/Commercial District
 - (6) I-1 Industrial District
 - (7) C-1 Conservancy District
 - (8) R-MH Mobile Home District

Sec. 13-1-21 Vacation of Streets; Annexations.

- (a) **Vacation of Streets.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (b) **Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the A-1 Agricultural District, unless the annexation ordinance places the land in another district.

Sec. 13-1-22 Zoning Map.

- (a) The Village of Boyceville is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Boyceville and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk-Treasurer of the Village of Boyceville.
- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this Chapter. Unless otherwise specifically indicated or dimensioned on the map, the district

boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

Sec. 13-1-23 Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

Sec. 13-1-24 A-1 Agricultural District.

- (a) **Purpose.** The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **Permitted Uses.**
 - (1) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming and viticulture (grape growing), provided, however, that farm buildings housing animals, barnyards and feed lots shall not be located in a floodland and shall be at least one hundred (100) feet from any navigable water or any boundary of a residential district.
 - (2) Cemeteries.
- (c) **Permitted Accessory Uses.**
 - (1) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.

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- (2) General farm buildings including barns, silos, sheds, storage bins and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this Chapter.
 - (3) One (1) farm residential dwelling.
 - (d) **Conditional Uses.**
 - (1) Airports, airstrips and landing fields provided that the site is not less than twenty (20) acres.
 - (2) Commercial feed lots, livestock sales facilities and fur farms.
 - (3) Drive-in establishments selling fruits and vegetables.
 - (4) Home occupations and professional offices.
 - (5) Housing for farm laborers and seasonal or migratory farm workers.
 - (6) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
 - (7) Utilities.
 - (8) Veterinary clinics provided that no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
 - (e) **Lot Area and Width.**
 - (1) The lot area requirements for the R-1 Single-Family Residential District shall apply to all buildings for human habitation hereafter erected, moved or structurally altered.
 - (2) Existing residential structures and farm dwellings remaining after the consolidation of existing farms shall be provided with a lot area of not less than forty thousand (40,000) square feet and a lot width of not less than one hundred twenty (120) feet.
 - (f) **Building Height.** No building or parts of a building shall exceed sixty (60) feet in height.
 - (g) **Yards.**
 - (1) There shall be a minimum building setback of fifty (50) feet from the street right-of-way.
 - (2) There shall be a side yard on each side of the principal structure as provided in the R-1 District.
 - (3) The rear yard requirements for the R-1 Single Family Residential District shall apply to all buildings for human habitation hereafter erected, moved or structurally altered.

Sec. 13-1-25 R-1 Single-Family Residential District.

- (a) **Purpose.** This District is intended to provide residential development limited to single-family homes set individually on separate lots.
- (b) **Requirements.**
 - (1) **Lot Size.** Every single-family residential building hereafter erected, moved or structurally altered shall provide a lot area of not less than eight thousand five

hundred (8,500) square feet per family and no such lot shall be less than seventy-five (75) feet in width.

(2) **Setbacks.**

- a. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. The sum of the widths of the required side yards shall be not less than twenty (20) feet and no single side yard shall be less than eight (8) feet in width from the furthest extension of a dwelling.
- b. Unless otherwise provided in this Chapter, there shall be a front yard setback on every lot in this district from each street on which it abuts, of not less than twenty-five (25) feet.
- c. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

(3) **Height.** Maximum permitted (in feet)—principal structure: thirty-five (35); accessory structure: twenty (20).

(4) **Building Size.** Every building hereafter erected, moved or structurally altered for dwelling purposes shall provide a floor area of not less than nine hundred (900) square feet per family.

(c) **Permitted Uses.** A building or premise shall be used only for the following purposes:

(1) Single-family dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.

(2) Manufactured homes complying with all of the following requirements and limitations:

- a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
- b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
- c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
- e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Boyceville.

(3) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(4) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than thirty-five (35) feet from any side lot line.

- (5) Church or other place of worship or Sunday School, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (6) Public school, kindergarten, elementary and high, or private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than thirty-five (35) feet from any side lot line.
 - (7) Farming, provided no livestock is included, truck gardening, nursery and/or horticulture.
 - (8) Home occupation and professional offices.
 - (9) Accessory building or use, including a private garage, carport and paved parking areas customarily incident to the above uses, but not involving the conduct of a business.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Nursing and rest homes and homes for the aged.
 - (4) Public utility offices and installations, including transmission lines and substations.
 - (5) Community Living Arrangements, as defined in Section 46.03(22), Wis. Stats., and meeting the criteria of Section 59.69(15)(c), Wis. Stats (8 or fewer persons).

Sec. 13-1-26 R-2 Two-Family Residential District.

- (a) **Purpose.** This district is intended to provide for two-family dwellings, such as duplexes, condominiums, flats or apartment conversions in large, older, single-family dwellings.
- (b) **Requirements.**
 - (1) **Lot Size.** Every building hereafter erected, moved or structurally altered shall provide a lot area of not less than five thousand (5,000) square feet per family and no such lot shall be less than seventy-five (75) feet in width.
 - (2) **Setbacks.**
 - a. There shall be a side yard on each side of a building hereafter erected, moved or structurally altered. The sum of the widths of the required side yards shall be not less than fifteen (15) feet and no single side yard shall be less than six (6) feet in width.
 - b. The front yard setback regulations for the R-2 Two-Family Residential District shall be the same as those for the R-1 Single-Family Residential District.
 - c. The rear yard regulations for the R-2 Two-Family Residential District shall be the same as those for the R-1 Single-Family Residential District.
 - (3) **Height.** Maximum permitted (in feet)—principal structure: thirty-five (35) accessory structure: twenty (20).
 - (4) **Building Size.** Every building hereafter erected, moved or structurally altered, for occupancy by one (1) family, shall provide a floor area of not less than eight hundred (800) square feet per family.

- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Boyceville.
 - (3) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
 - (4) Two-family dwellings.
 - (5) Boarding houses and lodging houses.
 - (6) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than twenty-five (25) feet from any side lot line.
 - (7) Church or other place of worship or Sunday School, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
 - (8) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
 - (9) Truck gardening, nursery and/or horticulture.
 - (10) Home occupation and professional offices.
 - (11) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Dental and medical clinics.
 - (2) Private lodges and clubs.
 - (3) Nursing and rest homes and homes for the aged.

- (4) Public utility offices and installations, including transmission lines and substations.
- (5) Institutions of a religious, educational, eleemosynary or philanthropic nature, but not a penal or mental institution.

SEC. 13-1-27 R-3 Multiple Family Residential District.

- (a) **Purpose.** This district is intended to provide for multiple-family apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types and apartment conversions in existing single-family dwellings, condominiums and mobile home parks, subject to other provisions of this Code of Ordinances.
- (b) **Requirments.**
 - (1) **Lot Size.** Minimum area (in square feet)—one (1) and two (2) family: seven thousand two hundred (7,200); for multiple family dwellings: three thousand six hundred (3,600) for each dwelling unit; minimum width (in feet): seventy-five (75).
 - (2) **Setbacks.**
 - a. Minimum front yard (in feet): twenty-five (25);
 - b. Minimum either side yard (in feet): fifteen (15); minimum aggregate side yard (in feet): thirty (30);
 - c. Minimum rear yard (in feet): twenty-five (25).
 - d. The following setbacks shall apply only to mobile home courts:
 - i. Minimum front yard (in feet): three (3);
 - ii. Minimum either side yard (in feet): ten (10); minimum aggregate side yard (in feet): twenty (20).
 - iii. Minimum rear yard (in feet): two (2).
 - (3) **Height.** Maximum permitted (in feet); -- principal structure: forty-five (45).
 - (4) **Building Size.** The requirements shall be as prescribed for the R-2 Two-Family Residential District.
- (c) **Permitted Uses.** A building or premises shall be used only for the following purposes:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Multiple-family dwellings.
 - (4) Boarding houses and lodging houses.
 - (5) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than twenty-five (25) feet from any side lot line.
 - (6) Church or other place of worship or Sunday School, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
 - (7) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than twenty-five (25) feet form any side lot line.
 - (8) Truck gardening, nursery and/or horticulture.
 - (9) Home occupation and professional offices.
 - (10) Institution of a religious, education, eleemosynary or philanthropic nature, but not a penal or mental institution.
 - (11) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.

- (12) Multiple ownership of a single-residential structure is permitted under this Section.
- (d) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Private lodges and clubs.
 - (2) Nursing and rest homes and homes for the aged.
 - (3) Public utility offices and installations, including transmission lines and substations.
 - (4) Funeral homes.
 - (5) Dental and medical clinics.

Sec. 13-1-28 B-1 Business/Commercial District.

- (a) **Purpose.** This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance and operation of which are compatible with the character of the surrounding area.
- (b) **Requirements.**
- (1) **Lot Area.** No minimum size requirement for exclusively business/commercial uses. Every building or part of a building hereafter erected or structurally altered exclusively for residential purposes shall provide a lot width and area as required by the regulations of the R-2 Two-Family Residential District. The minimum lot width shall be fifty-five (55) feet.
 - (2) **Height.** Any building hereafter erected or altered to exceed fifty (50) feet in height or three (3) stories shall, above that height, be set back on the front and rear building lines on the ratio of one (1) foot for each two (2) feet rise above said specific height.
 - (3) **Setbacks.**
 - a. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the R-2 Two-Family Residential District shall apply, except on the street side of a corner lot. Otherwise no side yard shall be required if fireproof walls are employed, but, if provided, shall not be less than six (6) feet in width. Where parts of a frontage are designated on the district map as residential district and business district, the setback regulations of the residential district shall apply to the business district; otherwise no setback shall be required.
 - b. There shall be a rear yard having a minimum depth of twenty-five (25) feet for a building two (2) stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased five (5) feet.
 - (4) **Building Size.** Every building or part of a building hereafter erected or structurally altered exclusively for residential purposes shall provide a lot width and area as required by the regulations of the R-2 Two-Family Residential District.

- (c) **Permitted Uses.** No building or premises shall be used and no building shall be hereafter erected, or altered, within any business district unless otherwise provided in this Chapter, except for the uses permitted in the R-1 Residential District and for the following uses:
- (1) Advertising signs.
 - (2) Amusement places.
 - (3) Bakeries, employing not more than ten (10) persons.
 - (4) Barber shops.
 - (5) Banks.
 - (6) Billboards.
 - (7) Dressmaking establishments.
 - (8) Dyeing and cleaning works, employing not more than six (6) persons.
 - (9) Electric repair shops.
 - (10) Employment agencies.
 - (11) Freight stations.
 - (12) Greenhouses.
 - (13) Filling stations, subject to the specific approval of the Board of Zoning Appeals, both as to location and as to arrangement.
 - (14) Hotels and motels.
 - (15) Laboratories; laboratory testing.
 - (16) Laundries.
 - (17) Messenger or telegraph service stations.
 - (18) Millinery shops.
 - (19) Miniature golf courses.
 - (20) Municipal buildings and libraries.
 - (21) Municipal garages/shops.
 - (22) Offices.
 - (23) Painting and decorating shops.
 - (24) Photograph galleries.
 - (25) Plumbing shops.
 - (26) Post offices.
 - (27) Printing shops.
 - (28) Privately operated tourist camps and tourist cabins.
 - (29) Public garages, subject to the specific approval of the Board of Zoning Appeals, both as to location and as to arrangement.
 - (30) Recreation buildings and structures.
 - (31) Restaurants.
 - (32) Roofing and plastering shops.
 - (33) Sales or show rooms.
 - (34) Shoe repair shops.
 - (35) Shooting ranges allowed under Village ordinances.
 - (36) Stores and shops for the conduct of retail business.

- (37) Studios.
 - (38) Taverns.
 - (39) Tailor shops.
 - (40) Tire repair shops.
 - (41) Undertaking establishments.
 - (42) Upholstering shops.
 - (43) Miscellaneous business offices, including the storage of inventory and Supplies incidental to the business.
 - (44) Wholesale merchandise establishments, only for retail items listed above; E.G. #27 above would allow wholesale print shops.
 - (45) Day care centers subject to State licensing requirements.
Any building used for the above-enumerated or similar uses may have not more than forty percent (40%) of the floor area devoted to industry or storage purposes incidental to such primary use, provided that not more than fifteen (15) employees shall be engaged at any time on the premises in any such incidental use.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes.
- (1) Garages for storage of vehicles used in conjunction with the operation of the business.
 - (2) Off-street parking and loading areas, in the rear yard only.
 - (3) Any other structure or use normally accessory to the above uses.
- (e) **Conditional Uses.** A building or premise shall be used only for the following purposes when approved as a conditional use:
- (1) Rental apartments as a secondary use of a commercial building.
 - (2) Automobile repair facilities.

Sec. 13-1-29 I-1 Industrial District.

- (a) **Purpose.** This district is intended to provide for manufacturing and industrial development.
- (b) **Requirements.**
- (1) **Height.** Buildings hereafter erected or structurally altered shall exceed neither fifty (50) feet nor four (4) stories in height, provided that no building or part of a building used for residential purposes shall exceed either thirty-five (35) feet or two and one-half (2-1/2) stories in height.
 - (2) **Setbacks.**
 - a. For buildings or parts of buildings used for residential purposes, the side yard regulations of the R-2 Two-Family Residential District shall apply except on the street side of a corner lot; otherwise a side yard of twenty (20) feet shall be required.
 - b. Every building hereafter erected or moved and any addition to an existing building shall be set back not less than twenty-five (25) feet from any street line, including the street lines of new streets or streets proposed to be widened, as shown on the official map.
 - c. There shall be a rear yard having a minimum depth of thirty-five (35) feet for a building two (2) stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased five (5) feet.

Loading platforms may be established in such rear yard where it abuts on a railroad.

- (3) **Building Area Limitations.** No building with its accessory buildings to be used for commercial or manufacturing purposes shall occupy in excess of ninety percent (90%) of the area of the lot. Buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the residence district.
- (4) **Lot Width.** The minimum lot width shall be one hundred (100) feet. =
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
 - (1) Manufacturing, assembly, fabrication and processing plants.
 - (2) Experimental, testing and research laboratories not involving the keeping of animals or use of animal products, or any significant degree of danger or undesirable operational characteristics.
 - (3) Printing and publishing houses and related activities.
 - (4) Tool making, cabinetry and repair shops.
 - (5) Automobile service stations.
 - (6) Public utility offices and installations.
 - (7) General warehousing.
 - (8) Lumber and building supply yards.
 - (9) Transportation terminals, including trucking.
 - (10) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
 - (11) Airports and airport-related businesses.
 - (12) The following, subject to approval by the Village Board of building, site and operational plans:
 - a. Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
 - b. Rendering plants, refineries or tanneries.
 - c. Stockyards or slaughter houses.
 - d. Junk or salvage yards.
 - e. Storage of explosives, except incidental to a permitted use, and storage of gasoline or petroleum in excess of fifty thousand (50,000) gallons.
 - f. Experimental, testing and research laboratories.
 - g. Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.
 - h. Animal hospitals, kennels and laboratories using animal products.
 - i. Any other uses not previously stated or permitted elsewhere.
 - j. Paper mills.
 - (13) Sewage treatment facilities.
- (d) **Permitted Accessory Uses.** An accessory building or use shall be used only for the following purposes.

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking, loading and service facilities.
- (3) Residential quarters for the owner, resident operator, guard or caretaker.

(e) **CONDITIONAL USES.** A building or premises shall be used only for the following purposes when approved as a conditional use:

- (1) Any permitted use described in Sec. 13-1-25 (c) and which shall conform in all respects to the restrictions of R-1 Single-Family Residential District.
- (2) Any permitted use described in Sec. 13-2-26 (c) and which shall conform in all respects to the restrictions of R-2 Two-Family Residential District.
- (3) Split Two-Family Dwelling or Twin Home.

a. Requirements for split two-family dwellings or twin homes shall be the same proportionate specifications as provided under subsection (E)(1) of this section for each of the two (2) dwelling units except that the attached side yard setback, or common wall between the two (2) dwelling units, shall be zero (0) feet; the minimum lot width shall be fifty (50) feet; and the minimum lot area shall be 6,000 square feet.

b. Split two-family dwellings or twin homes shall be subject to the following additional requirements:

1. A minimum firewall complying with COMM 21.08 Wis. Admin. Code, as amended from time to time, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.
2. Each dwelling unit shall be located on an individual lot.
3. A split two-family dwelling or twin home may not be split or divided into additional residential units.

SEC. 13-1-30 C-1 Conservancy District.

(a) **Purpose.** The C-1 Conservancy District is intended to be used to prevent disruption of valuable natural or man-made resources and to protect wetland areas and lands which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.

(b) **Permitted Uses.**

- (1) Agricultural uses, provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
- (2) Forest and game management.
- (3) Forest reserves (wilderness areas).
- (4) Forest reserves (wildlife areas).
- (5) Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.

- (c) **Permitted Accessory Uses.**
 - (1) Non-habitable park or recreation shelters.
 - (2) Structures used in or accessory to a fish hatchery.
 - (3) Structures used to traverse lowlands or watercourses.
- (d) **Conditional Uses.**
 - (1) Structures and fill accessory to permitted principal uses.
 - (2) Parks and campgrounds and accessory structures.
 - (3) Public shooting ranges and accessory structures.
 - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
 - (5) Public utilities.
- (e) **Lot Area, Setback and Yard.**
 - (1) Minimum dimensions: Lot area – twenty thousand (20,000) square feet.
 - (2) There are no lot width requirements.
 - (3) Any use involving a structure shall provide front and rear yards of at least fifty (50) feet in depth and side yards at least fifty (50) feet in width each.

Sec. 13-1-31 R-MH Mobile Home District.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article O of this Chapter.

Section 13-1-32 - Municipal Well Head Protection

Section 1. MWHPA Municipal Well Head Protection Area (Ground Water Protection) Overlay District.

- a. **District Purpose.** The Village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the (MWHPA) Municipal Well Head Protection Area Overlay District is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Village's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial, business, agricultural, and industrial zoning districts or any other provisions of the zoning ordinance. The Village of Boyceville has developed and adopted a Well Head Protection Plan that is incorporated by reference and discusses the location of the protection areas in greater detail.
- b. **Overlay Zones.** The Municipal Well Head Protection Area Overlay District is hereby divided into Zone A and Zone B as follows:
 - (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal well. Zone A is more restrictive than Zone B. Zone A is that area within 1,200 feet of an existing well as defined in the Village of Boyceville Well Head Protection Plan.
 - (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A. Zone B is defined as that area up-gradient from the well field within a distance of 1,200 feet to 2,640 feet.

c. **Zone A Prohibited Uses.** The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Municipal Well Head Protection Area Overlay District:

- (1) Areas for dumping or disposal of garbage, refuse, trash, or demolition material, including landfills, or solid waste transfer stations.
- (2) Asphalt products manufacturing plants.
- (3) Automobile laundries (unsewered).
- (4) Automobile service stations.
- (5) Building materials and products sales.
- (6) Cartage (trucking) and express facilities.
- (7) Cemeteries.
- (8) Chemical storage, sale, processing, or manufacturing plants.
- (9) Dry cleaning businesses.
- (10) Electronic circuit assembly plants.
- (11) Electroplating plants.
- (12) Exterminating shops.
- (13) Foundries and forge plants.
- (14) Garages – for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
- (15) Bulk salt storage areas.
- (16) Industrial liquid waste storage areas.
- (17) Junk yards and auto graveyards.
- (18) Metal reduction and refinement plants.
- (19) Mining operations.
- (20) Motor and machinery service and assembly shops.
- (21) Motor freight terminals.
- (22) Paint products manufacturing.
- (23) Petroleum products storage, processing or retail sales.
- (24) Photography studios, including the developing of film and pictures.
- (25) Plastics manufacturing.
- (26) Printing, publishing or duplicating in businesses.
- (27) Pulp and paper manufacturing.
- (28) Residential dwelling units on lots less than eight thousand five hundred (8,500) feet in area. However, in any residence district, on a lot of record on the effective date of this Section, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of the Village's Zoning Ordinance are complied with.
- (29) Septage or sludge disposal or storage sites.
- (30) Storage, manufacturing or disposal of toxic or hazardous materials.
- (31) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (32) Woodworking and wood products manufacturing.
- (33) Unsewered residential or commerce uses.
- (34) On-site private sewage systems.
- (35) On-site wells for any purpose.
- (36) Construction of injection wells for any purpose.
- (37) Construction of infiltration/storm water detention ponds without approval of the Village of Boyceville.

- (38) Pesticide and/or fertilizer storage for resale, or manufacturing.
- (39) Septage and or sludge spreading.
- (41) Underground storage tanks that do not meet Wisconsin Administrative Code COMM10.10 requirements.
- (42) Animal waste and spreading.
- (43) Animal waste facilities.
- (44) Confinement of more than three animals.
- (45) Landspreading of any petroleum or agricultural chemical contaminated soils.
- (46) Wastewater treatment facilities that do not discharge treated effluent to the Village of Boyceville.
- (47) Spray irrigation of wastewater.
- (48) Radioactive waste facilities.
- (49) Basement storage tanks without secondary containment capable of holding 125% of storage tanks maximum capacity.
- (50) Outdoor storage of solid waste, scrap, slag or industrial by-products unless contained and covered in a weather-proof container.
- (51) Outdoor storage of petroleum products, industrial chemicals/materials including drummed materials, unless secondary containment capable of holding 125% of the total maximum capacity is provided. All outdoor storage of industrial chemicals/materials will be covered to prevent contact with rain or snow.
- (52) The discharge of non-contact cooling water or process water to the ground surface or storm sewer system.

d. **Zone A Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Head Protection Area Overlay District, subject to the provision of Article D of the Village Zoning Code:

- (1) Any other business, commercial, or industrial use not listed as a prohibited use.

e. **Zone B Prohibited Uses.** The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Head Protection Area Overlay District:

- (1) Underground petroleum products storage tanks for industrial, commercial, residential, or other uses.

f. **Zone B Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Head Protection Area Overlay District, subject to the provisions of Article D of the Village Zoning Code:

- (1) Any business, commercial or industrial use.

g. **Separation Distances for Future Well Sites.** The following separation distances as specified in s. NR811.16(4)(d) Wis. Adm. Code, shall be maintained within the Groundwater Protection Overlay District:

- (1) Fifty feet between a well and storm sewer main.
- (2) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
NOTE: Current WWA C600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's office and the office of the Revisor of Statutes.
- (3) Four hundred feet between a well and septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
- (5) One thousand feet between a well and land application or municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day.
- (6) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographical information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

h. **Requirements for Existing Facility Uses.** Existing facility uses include, but are not limited to, current facility practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's Wellhead Protection Area (WHPA) that lies within the corporation limits of the Village.

- (1) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the Village of Boyceville.
- (2) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Village, which may include, but not limited to, stormwater runoff management and monitoring.
- (3) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (4) Existing facilities shall have the responsibility of devising and filing with the Village a contingency plan satisfactory to the Village for the immediate notification of Village officials in the event of an emergency.

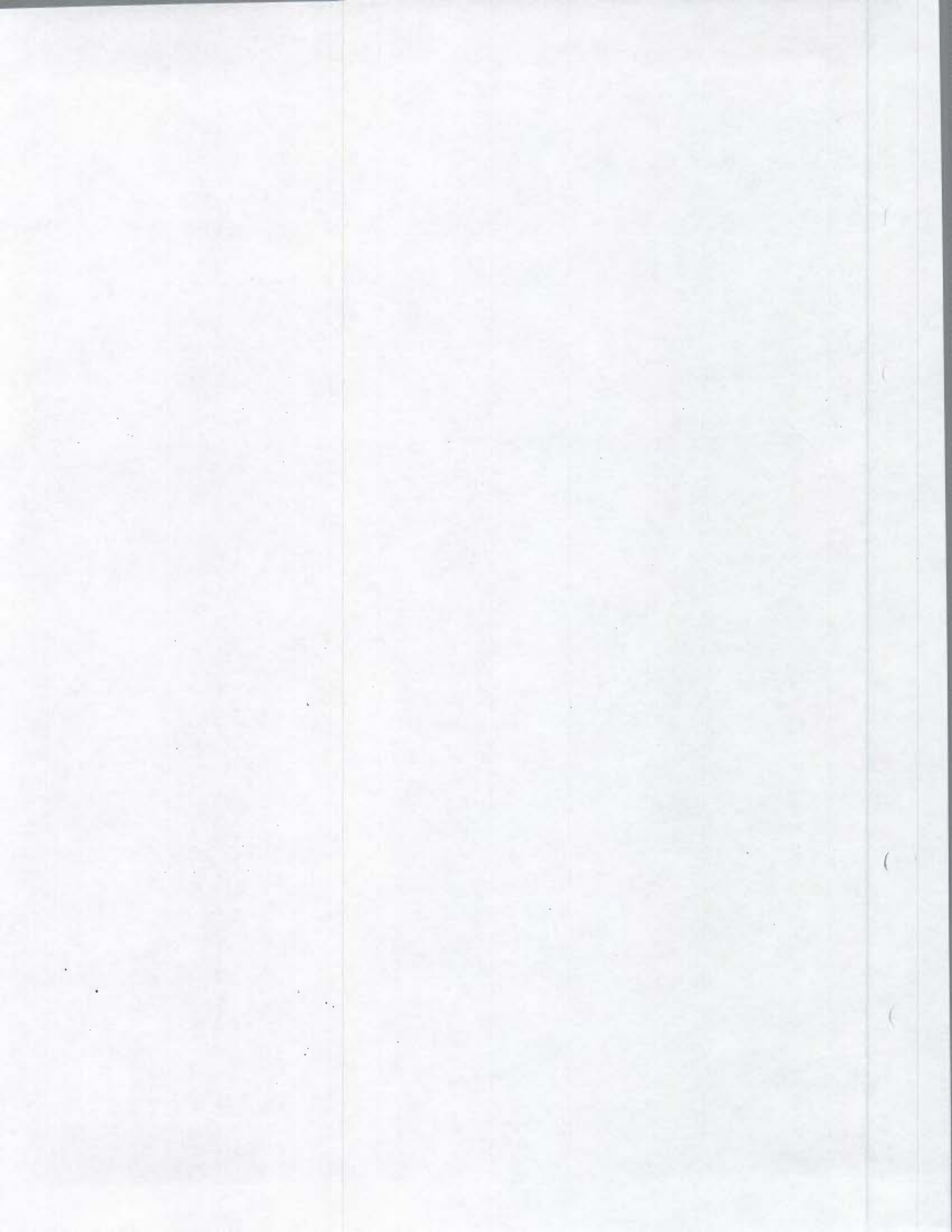
i. Exemptions and Waivers.

- (1) Individuals and/or facilities may request that the Village permit land uses in the WHPA not specifically prohibited under subsections (c) and (e) supra.
- (2) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village. The Village may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Village and/or designee(s) for recommendation and final decision by the Village Board.
- (3) The individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.

j. Violations and Enforcement.

- (1) **VIOLATIONS.** It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, Plan Commission, Building Inspector, or any person who would be specifically damaged by such violation, may institute appropriate action or proceedings to enjoin a violation of this Chapter.
- (2) **ENFORCEMENT.** Enforcement shall be provided pursuant to Section 13-1-154 of the Code of Ordinances of the Village of Boyceville.

Sec. 13-1-33 through Sec. 13-1-49 Reserved for Future Use.



Article D: Planned Unit Development (PUD)
Conditional Use

Sec. 13-1-50 Planned Unit Development Conditional Use—Intent.

- (a) The planned unit development conditional use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The planned unit development under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district.
- (b) The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village of Boyceville upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

Sec. 13-1-51 Types of Planned Unit Developments.

This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

Sec. 13-1-52 General Requirements for Planned Unit Developments.

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted master plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

Sec. 13-1-53 Physical Requirements for Plannted Unit Developments.

- (a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	10 acres
Mixed Compatible Use	10 acres

- (b) **Density Requirements (Lot Area, Width and Yard Requirements).** The district area, width and yard requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units that would have been permitted if the planned unit development regulations had not been utilized.
- (c) **Building Height and Area Requirements.**
 - (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (d) **Single Parcel, Lot or Tract.** The planned unit development shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

Sec. 13-1-54 Requirements as to Public Services and Facilities.

- (a) The development site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (d) The streets and driveways on the site of the development shall be adequate to serve the residents of the development and, in the case of public dedicated streets, will meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (e) Public water and sewer facilities shall be provided.

Sec. 13-1-55 Subsequent Land Division.

The division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

Sec. 13-1-56 Procedural Requirements—Intent.

Sections 13-1-50 through 13-1-55 set forth the basic philosophy and intent in providing for Planned Unit Developments, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

Sec. 13-1-57 Procedural Requirements for Planned Unit Developments.

- (a) **Pre-Petition Conference.** Prior to the official submission of the petition for the approval of a planned unit development, the owner or his agent making such petition shall meet with the Village Board or its staff to discuss the scope and proposed nature of the contemplated development.
- (b) **Petition for Approval.** Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk-Treasurer for approval of a planned unit development. Such petition shall be accompanied by a review fee of Twenty-five Dollars (\$25.00), as well as incorporate the following information:
 - (1) **Informational Statement.** A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

- d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (2) **A General Development Plan Including:**
- a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - b. The location of public and private roads, driveways, sidewalks and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 - e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - h. The existing and proposed location of all private utilities or other easements.
 - i. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - k. If the development is to be staged, a staging plan.
 - l. A plan showing how the entire development can be further subdivided in the future.
- (c) **Public Hearing.** The Village Board shall hold public hearing on the petition in the manner provided in Sections 13-1-63 and 13-1-64 for Conditional Uses.

Sec. 13-1-58 Basis for Approval of the Petition for Planned Unit Development.

- (a) **Requirements.** The Village Board, in making a determination approving a petition for planned unit development, shall find as follows:
- (1) That the general requirements made and provided in Section 13-1-52 will be met;
 - (2) That the applicable physical requirements made and provided in Section 13-1-53 will be met;
 - (3) That the requirements as to public services and facilities made and provided in Section 13-1-54 will be met.

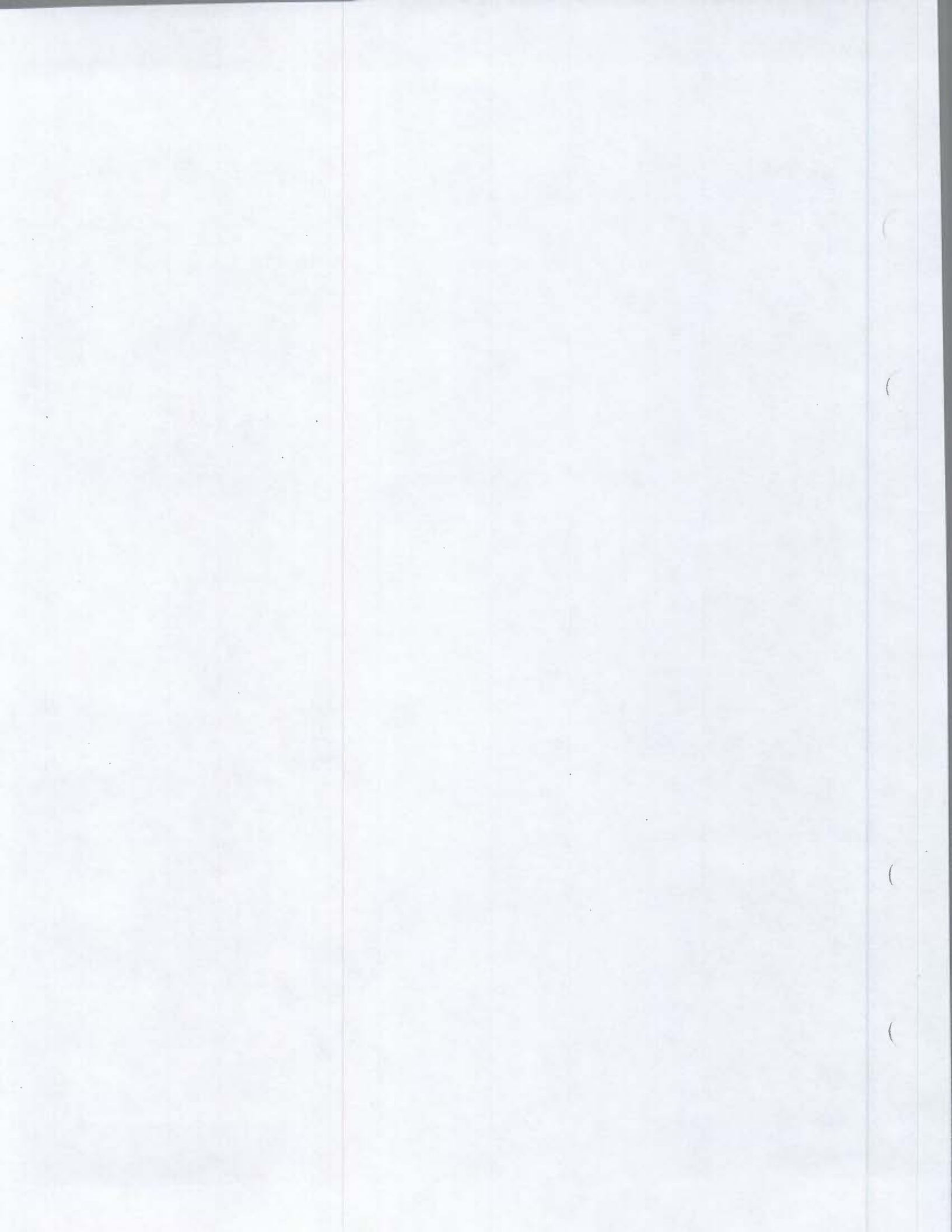
- (b) **Proposed Construction Schedule.** The Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one (1) year of approval being deemed reasonable.
- (c) **Residential PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
 - (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the residential districts shall not exceed sixteen (16) dwelling units per structure.
 - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (5) Provision has been made for adequate, continuing fire and police protection.
 - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
- (1) The economic practicality of the proposed development can be justified.
 - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

- (4) The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD, Considerations.** The Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
- (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
 - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD, Considerations.** The Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

Sec. 13-1-59 Determination of Disposition of the Petition.

- (a) **General.** The Village Board, following public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.

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- (b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.
- (1) **General Approval.** The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.
 - (2) **Detailed Approval.** Detail plans must be furnished to the Village Board for its consideration and the detailed approval by the Village Board of any part or stage of the proposed development shall be required before construction of such part or stage of the development may be commenced. Before plans submitted for detailed approval within the corporate limits will be approved, the petitioner shall give satisfactory proof that he has contracted to install all improvements or file a performance bond insuring that such improvements will be installed within the time required by the Village Board.
- (c) **Changes and Additions.** Any subsequent substantial change or addition to the plans or uses shall be submitted for approval to the Village Board and if, in the opinion of the Village Board, such change or addition constitutes a substantial alteration of the original plan, it shall schedule an additional public hearing in which event the Village Board shall schedule a notice of public hearing as for the original petition. Following such public hearing, the Village Board shall deny, approve or approve the same subject to any additional conditions and restrictions it may impose.



Article E: Conditional Uses

Sec. 13-1-60 Statement of Purpose—Conditional Uses.

The development and execution of this Article is based upon the division of the Village of Boyceville into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

Sec. 13-1-61 Authority of the Village Board; Requirements.

- (a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation

control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-62 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-63 Application for Conditional Use.

An application for a conditional use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-1-66 hereinafter. The Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Sec. 13-1-64 Hearing on Application.

Upon receipt of the application and statement referred to in Section 13-1-63 above, the Village Board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the Village Board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Village Board shall, by rule, prescribe from time to time.

Sec. 13-1-65 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

Sec. 13-1-66 Standards—Conditional Uses.

No application for a conditional use shall be granted by the Village Board unless such the Board shall find all of the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a Conditional Use Permit, the Board shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.

- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-67 Denial of Application for Conditional Use Permit.

When a denial of a conditional use application is made, the Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.

Sec. 13-1-68 Conditions and Guarantees.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;

- (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** The Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

Sec. 13-1-69 Validity of Conditional Use Permit.

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

Sec. 13-1-70 Complaints Regarding Conditional Uses.

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-71 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in Residence Districts pursuant to this Article.
- (b) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

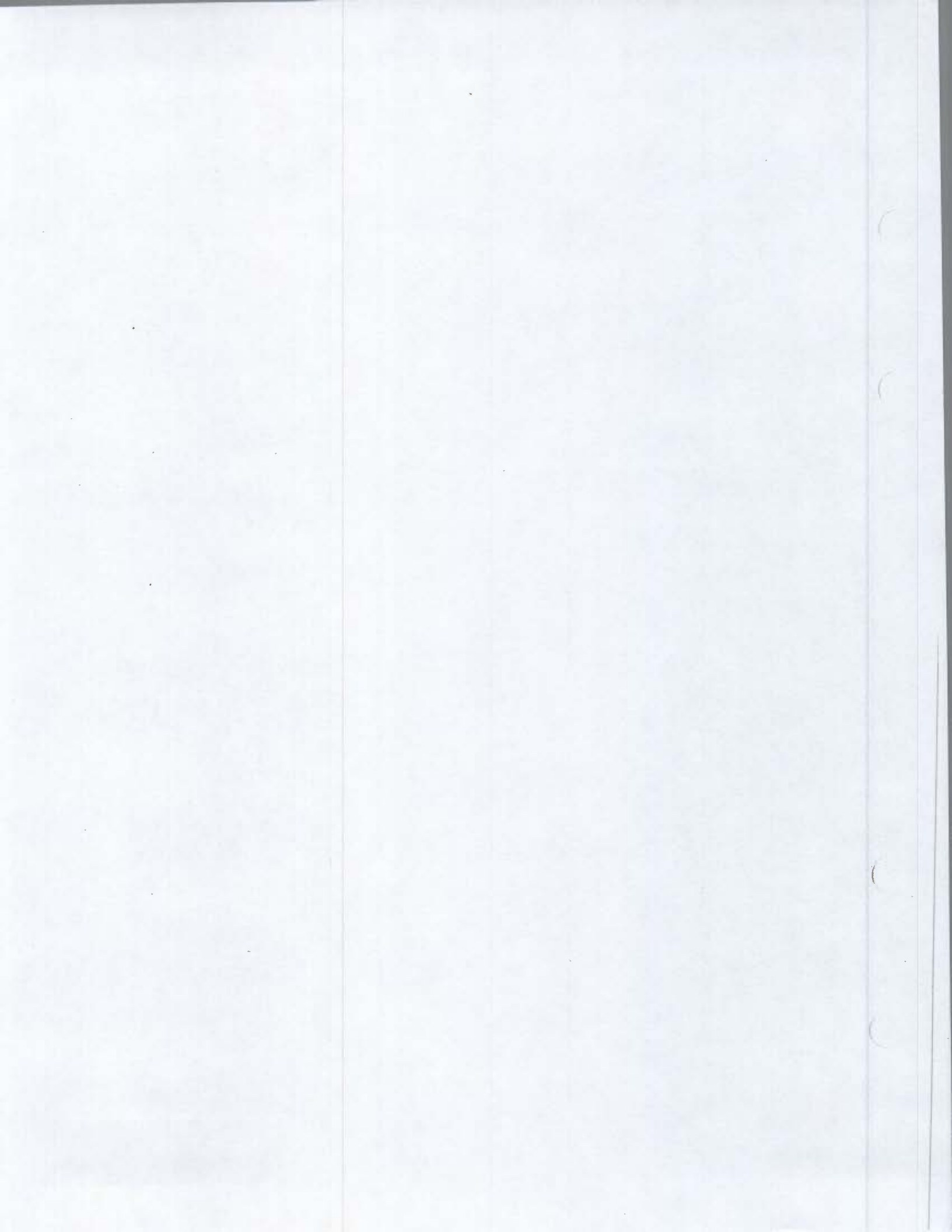
Sec. 13-1-72 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business as a conditional use without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time

beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.

- (b) **Restrictions on Home Occupations.** Home occupations are a conditional use in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The Village Board may determine the percentage of the property that may be devoted to the occupation; no more than fifty percent (50%) of the area of the principal structure may be used as a home occupation.
 - (8) The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.
 - (9) The types and number of equipment or machinery may be restricted by the Village Board.
 - (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
 - (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation without a conditional use permit without a conditional use permit.
- (c) **Exception.** A home occupation under this Section may be maintained in any Residential District as a permitted use, as opposed to a conditional use, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) person works on the premises and no customers regularly come to the house.

Sec. 13-1-73 through Sec. 13-1-79 Reserved for Future Use.



Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-80 Existing Nonconforming Uses and Structures.

- (a) The lawful nonconforming use of a structure or land, including but not limited to fences, parking and zoning setbacks existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this Chapter; provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.
- (c) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-81 Abolishment or Replacement.

- (a) **Termination.** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter.
- (b) **Building Destroyed by Fire.** Where a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than fifty percent (50%) of its fair market value, the same may be rebuilt; but where such a building is destroyed to the extent of more than fifty percent (50%) of its fair market value, a permit may be granted for its reconstruction within twelve (12) months from the date of such fire or other calamity, except any public utility located in a restricted district shall be permitted to rebuild, alter or enlarge in any business or industrial district as the interest of the public demands.

Sec. 13-1-82 Existing Nonconforming Structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter may be continued although its size or location does not conform with the lot width, lot

area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

Sec. 13-1-83 Changes and Substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

Sec. 13-1-84 Residential Building Setbacks.

In residential districts, except for corner lots, required setbacks shall be modified in the following cases:

- (a) Where fifty percent (50%) or more of the frontage on a block is occupied by residences having setbacks less than required by this Chapter, the setback on each remaining lot shall be no nearer the front lot line than a line adjoining the adjacent front corners of the *nearest* principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one (1) side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.

Sec. 13-1-85 through Sec. 13-1-89 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-90 Traffic Visibility.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines fifteen (15) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-91 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a new business, trade or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale	2,000 - 10,000	1
warehouse, service	10,000 - 20,000	2
manufacturing, and	20,000 - 40,000	3
industrial establishments	40,000 - 60,000	4
	Each additional 50,000	1
Hotels, offices	5,000 - 10,000	1
hospitals, places of	10,000 - 50,000	2
public assembly	50,000 - 100,000	3
	Each additional 25,000	1
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	2
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-

street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-92 Parking Requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located within the fire zone as designated on the Official Map, there shall be

provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Size.** Size of each parking stall shall be not less than one hundred eighty (180) square feet, exclusive of the space required for ingress and egress.
- (c) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
 - (3) Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.
- (d) **Use Restrictions.**
 - (1) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
 - (2) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
 - (3) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (e) **Number of Stalls.** Number of parking stalls required for newly created parking lots are shown in the following table:

Use	Minimum Parking Required
Dwellings: Single-family, two-family and mobile homes	2 stalls for each dwelling unit
Dwellings: Multi-family	2 stalls for each dwelling unit
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees

Sororities, dormitories, rooming and boarding houses	1 stall for each bed
Retirement homes, orphanages	1 stall per 2,000 feet of principal floor area
Rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	5 stalls for each doctor
Churches, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each 2 employees plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, clubs and lodges, places of entertainment	1 stall for each 150 square feet
Manufacturing and processing plants (including meat and food processing), laboratories and warehouses	1 stall for every 2 employees; number of employees shall be construed to mean the maximum number on the premises at one time
Financial institutions, business, government and professional offices, retail and service establishments	1 stall for each 300 square feet of floor area and 1 stall for each 2 employees
Motor vehicle sales (new and used)	1 space for each 500 square feet of floor area used plus one space for each 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include service garages — see above.)
Repair shops, retail and service stores	1 space for each 150 square feet of net floor space
Automobile repair garages and service stations	1 space for each employee plus 1 space for each 250 square feet of floor area used for repair work
Bowling alleys	5 spaces for each alley

- (f) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (g) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (h) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of fifty percent (50%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- (i) **Off-Lot Parking.**
- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.
 - (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (j) **Surfacing.** All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (k) **Restricted Areas.** No front yard of a lot in any Residential District and no front yard of a lot in any Business District upon which a dwelling unit is located shall be used for the parking of motor vehicles, nor shall motor vehicles parked on any other front yard be permitted within five (5) feet of the right-of-way line of a street.
- (l) **Curbs or Barriers.** Shall be installed so as to prevent parked vehicles from extending over any lot lines.

Sec. 13-1-93 Driveways.

All driveways installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the requirements of Title 6, Chapter 3 of this Code of Ordinances:

Sec. 13-1-94 Highway Access.

- (a) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.
- (b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-95 through Sec. 13-1-99 Reserved for Future Use.

Article H: Sings, Canopies, Awnings and Billboards

Sec. 13-1-100 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Boyceville; painting, posting and general maintenance are excepted.

Sec. 13-1-101 Signs, Canopies, Awnings and Billboards—Definitions.

The following definitions are used in this Article:

- (a) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (b) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (f) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (g) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (i) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather

or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.

- (j) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (k) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (l) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (m) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (n) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (o) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Ordinance.
- (p) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (q) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
- (r) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
- (s) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (t) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (u) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (v) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (w) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (x) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (y) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

Sec. 13-1-102 Required Permits for Signs, Canopies, Awnings and Billboards.

- (a) **Application.** Except those specified in Section 13-1-103, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Boyceville. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (b) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved.
- (c) **Permit Fees.** Required permit fees shall be paid to the Zoning Administrator for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.
- (d) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Zoning Administrator before the sign permit is granted.
- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure the sign complies with the regulations of this Article. If a building permit was also required the applicant shall also notify the Building Inspector.
- (f) **Exceptions.**
 - (1) **Temporary Signs.** Permits are not required for such temporary signs as real estate (which advertises sale or rental of the premises upon which it is posted), or similar type signs provided such signs do not exceed twenty-five (25) square feet of display surfaces. All temporary signs shall be removed within ten (10) days after their use has discontinued. Temporary signs shall not be located on a right-of-way terrace and shall not interfere with driveway vision clearance.

- (2) **Window Signs.** Window signs directing attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises shall be permitted without a permit.
- (g) **Appeals.** The Zoning Administrator may, at any time for a violation of this Article, revoke a permit or require changes so the sign conforms with this Article. The holder of a revoked permit shall be entitled to an appeal before the Village Board. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Administrator relative to the provisions of these sign regulations may appeal and seek review of such decision to the Village Board.

Sec. 13-1-103 Signs Not Requiring a Permit.

The following signs do not require a sign permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- (a) **Commercial, Industrial and Planned Unit Development (Commercial/Industrial) Districts.**
 - (1) Warning signs not to exceed four (4) square feet located on the premises.
 - (2) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
 - (3) Official signs, such as traffic control, parking restriction, information and notices.
 - (4) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
 - (5) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
 - (6) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
 - (7) Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - (8) Legal notices, identification information or directional signs erected by governmental bodies.
 - (9) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
 - (10) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - (11) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet.
 - (12) Window signs are allowed with no permits.
 - (13) Bills, posters and banners shall be allowed with no permits.

(b) Residential, Conservancy and Agricultural Districts.

- (1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (3) Official signs, such as traffic control, parking restrictions, information and notices.
- (4) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
- (5) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (6) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of eight (8) square feet.
- (7) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

Sec. 13-1-104 Permitted Commercial and Industrial Signs.

- (a) **Permitted Signs.** The following signs shall require a permit to be issued by the Village of Boyceville. Signs may be permitted in all commercial, planned unit development (commercial/industrial) and industrial districts, subject to the following restrictions:
- (1) Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed three hundred (300) square feet in area for any one (1) premises and shall not exceed twenty (20) feet in height above the mean centerline street grade.
 - (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
 - (3) Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located and shall not exceed one hundred (100) square feet on all sides for any one (1) premises.
 - (4) Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.
 - (5) Combinations of any of the above signs shall meet all the requirements for the individual sign.

- (b) **Lighting.** Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- (c) **Signs Causing Obstruction Prohibited.** Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- (d) **Signs at Intersection Prohibited.** No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (e) **Canopy Signs Restricted.** Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts provided that there shall be only one (1) sign, not to exceed five (5) square feet, for each business and that the sign shall be at least ten (10) feet above ground level.

Sec. 13-1-105 Permitted Residential Signs.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-103(b), the following nonflashing, nonilluminated signs are permitted under the conditions specified in all districts established by this Chapter:

- (a) **Nameplate and Identification Signs.** Subject to the following:
 - (1) **Area and Content — Residential.** There shall be not more than one (1) nameplate, not exceeding one (1) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted home occupation. On a corner lot, two (2) such nameplates for each dwelling unit (one facing each street) shall be permitted.
 - (2) **Area and Content — Nonresidential.** For non-residential buildings, a single identification sign, not exceeding nine (9) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (3) **Projection.** Such signs shall be affixed flat against the wall of the building.
 - (4) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (b) **"For Sale" and "To Rent Signs.** Subject to the following:
 - (1) **Area and Number.** There shall be not more than one (1) sign per zoning lot, except that on a corner zoning lot two (2) signs (one facing each street) shall be permitted. No sign shall exceed eight (8) square feet in area nor be closer than twelve (12) feet to any other zoning lot.

- (2) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall not be more than four (4) feet in height, measured from the soil grade to the top of the sign post.
- (c) **Signs Accessory to Parking Area.** Subject to the following:
- (1) **Area and Number.** Signs designating parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each. One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. On a corner lot, two (2) such signs (one facing each street) shall be permitted.
 - (2) **Projection.** No sign shall project beyond the property line into the public way.
 - (3) **Height.** No sign shall project higher than seven (7) feet above curb level.
- (d) **Signs Accessory to Roadside Stands.** Subject to the following:
- (1) **Content.** The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (2) **Area and Number.** The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit) as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
 - (3) **Projection.** No sign shall project beyond the property line into the public way.
 - (4) **Height.** No sign shall project higher than fifteen (15) feet above curb level.
 - (5) **Permit.** A sign permit is required for this type of sign.
- (e) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:
- (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.
 - (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit.
- (f) **Subdivision Identification Signs.** Subject to the following:
- (1) **Content.** The signs shall bear only the name of the subdivision or development.
 - (2) **Area and Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approved by the Zoning Administrator.

- (3) **Height.** No sign shall project higher than twelve (12) feet above curb level; the Plan Commission may, however, temporarily authorize a larger sign for a period not to exceed two (2) years.
- (4) **Permit.** A sign permit is required for this type of sign. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Zoning Administrator for approval. The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (g) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
 - (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other zoning lot.
 - (2) **Projection.** No sign shall project beyond the property line into the public way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.

Sec. 13-1-106 Landscape Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

Sec. 13-1-107 Prohibited Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

Sec. 13-1-108 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator to the Village Board.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign is located when the business it advertised is longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article after the date of adoption are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 13-1-109 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Village Board following a recommendation from the Zoning Administrator, pursuant to the standards of the Village Zoning Code.

Sec. 13-1-110 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator and/or Building Inspector.
- (b) **General Requirements.**
 - (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind

pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.

- (2) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (3) **Roof Signs.** No sign shall be located so as to project above the parapet line unless approved by the Zoning Administrator.
 - (4) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
 - (5) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
 - (6) **Blanketing.** Blanketing of signs on buildings shall not be allowed.
 - (7) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
 - (8) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.
- (c) **Location Adjacent to Residence District.** No advertising signs shall be permitted within seventy-five (75) feet of any residence district boundary line unless said sign is completely screened from said residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two (2) feet shorter than the height of the sign at the time said evergreens are planted; said evergreens shall be spaced not more than one-half (1/2) the height of the tree for regular varieties and one-third (1/3) the height of the tree for columnar varieties of trees; said evergreen planting shall be continuously maintained; or said sign is facing away from the residence district and the back is screened as provided below.
- (d) **Sign Mounting.** All signs shall be mounted in one (1) of the following manners:
- (1) Flat against a building or wall.
 - (2) Back to back in pairs so that the back of the sign will be screened from public view.
 - (3) In clusters in an arrangement which will screen the back of the signs from public view.
 - (4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

Sec. 13-1-111 Special Sign Requirements.

- (a) **Electronic Message Unit Signs.**
- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.

- (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.** Such signs shall be limited in use to thirty (30) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than three (3) times per year at any one (1) location. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back.
- (c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

Sec. 13-1-112 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Boyceville limits of the date of adoption of this Article hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

Sec. 13-1-113 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Setback from Curb Line.** No awning shall extend within one (1) foot of the curb line.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** The structural support of all canopies shall be approved by the Zoning Administrator as in compliance with the Building Code of the Village and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-1-110 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Setback From Curb.** No canopy shall extend beyond a point two (2) feet from the curb line.

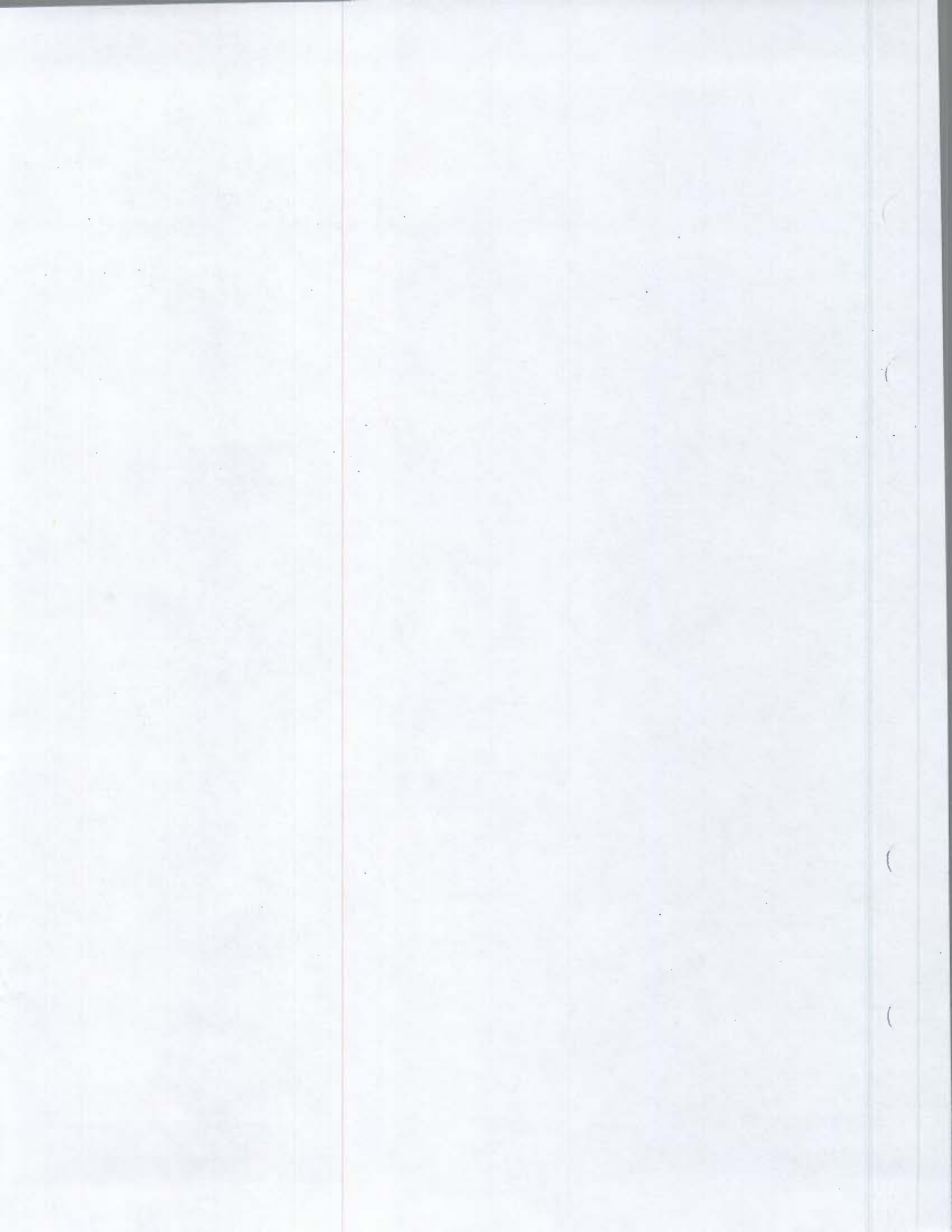
Sec. 13-1-114 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
 - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after

such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.

- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation or been convicted of violating the same Article within one (1) year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
 - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-115 through Sec. 13-1-119 Reserved for Future Use.



Article I: Performance Standards

Sec. 13-1-120 Compliance.

This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

Sec. 13-1-121 Sound.

The volume of sound inherently and recurrently generated shall not exceed the following standards at any point along the boundaries of the zone in which the use is located:

- (a) Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.
- (b) Maximum sound pressure levels shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and shall not exceed the values for octave bands lying within the several frequency limits given in the following table after the application of appropriate corrections:

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels
0 - 74	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,800	34
Above 4,800	32

Sec. 13-1-122 Air Pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color of visible smoke equal to or darker than number

two (2) on the Ringlemann Chart described in the United States Bureau of Mine's "Information Circular 7718", in any Industrial District.

Sec. 13-1-123 Fire and Explosive Hazards.

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

Sec. 13-1-124 Glare and Heat.

Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building, in such a manner as not to create a public nuisance or hazard across lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Illumination which has its source in a manufacturing district shall, in no case, be permitted to exceed 0.1 foot candle in an adjoining Residential District.

Sec. 13-1-125 Liquid or Solid Wastes.

No activity shall discharge, at any point, onto any land or into any water or public sewer, any materials of such nature, quantity, noxiousness, toxicity or temperature that they can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

Sec. 13-1-126 Vibration.

There shall be no vibrations emanating from any operation which will be discernible to human feeling beyond the boundaries of the immediate site.

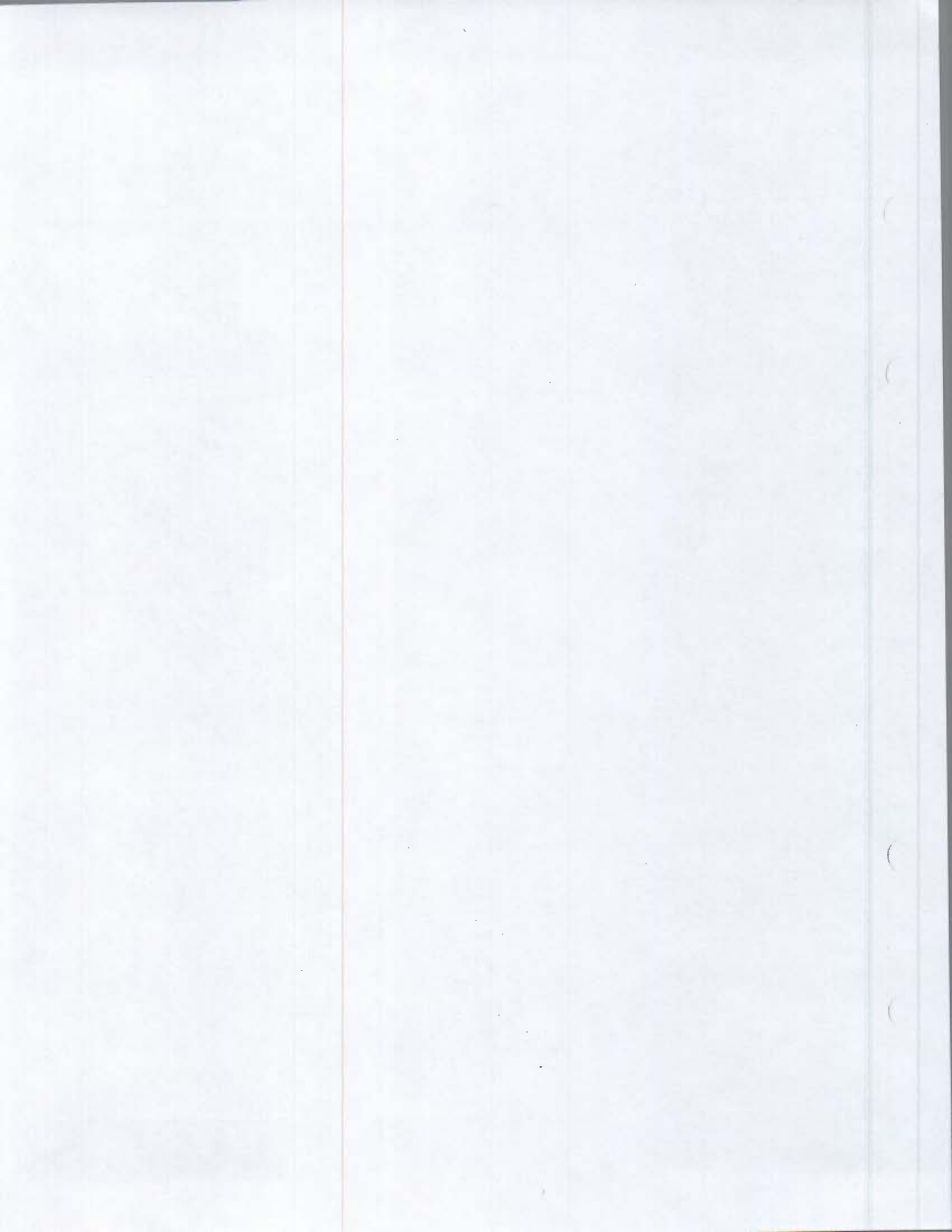
Sec. 13-1-127 Odors.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

Sec. 13-1-128 Radioactivity and Electrical Disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises which are dangerous or adversely affect the use of neighboring premises.

Sec. 13-1-129 Reserved for Future Use.



Article J: Signal Receiving Antennas; Wind Energy Systems

Sec. 13-1-130 Signal Receiving Antennas.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Permit Required.** No owner shall, within the Village of Boyceville, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.
- (c) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any outdoor apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (d) **Application.** Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee of Ten Dollars (\$10.00) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
- (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of three (3) feet from any property line. The purpose of setback regulations is

- to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
- b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (2) **Mounting.** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed twelve (12) feet in diameter, except for systems used to provide community antenna television services.
 - (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed fifteen (15) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
 - (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall

be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end. There shall be no permit fee for temporary placement.

- (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-131 Conditional Use Permits Required— Wind Energy Systems.

- (a) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.
- (b) **Separate Permit Required for each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.
- (c) **Basis of Approval.** The Village Board shall base its determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in

which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.

- (d) **Definitions.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

Sec. 13-1-132 Permit Procedure—Wind Energy Systems.

- (a) **Application.** The permit application for a wind energy system shall be made to the Zoning Administrator on forms provided by the Village. The application shall include the following information:
- (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
 - (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
 - (6) Any other information which the Zoning Administrator, Village Board or Building Inspector may deem to be necessary to the proper review of the application.
 - (7) The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Village Board.
- (b) **Hearing.** Upon referral of the application, the Village Board shall schedule a public hearing thereof following the procedures for conditional use permits in Article E.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Village Board shall, as soon as practical, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description

of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or, if disapproved, shall indicate the reasons for disapproval. The Village Board may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the special use permit.

- (d) **Termination.** When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by action of the Village Board following a public hearing thereon.
- (e) **Changes.** Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if, in the opinion of the Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

Sec. 13-1-133 Specific Requirements Regarding Wind Energy Systems.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Article.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency

energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Sec. 13-1-134 through Sec. 13-1-139 Reserved for Future Use.

Article K: Accessory Uses and Structures; Fences

Sec. 13-1-140 Accessory Uses or Structures.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions — Residential Districts.** Residential accessory buildings which are not a part of the main building shall comply with the height and setback requirements of the Schedule of Regulations for the appropriate district in question. They are not permitted in the front yard. Accessory buildings and structures such as storage buildings, garages, swimming pools, heating-air conditioning equipment and wind and solar energy conversion equipment, provided such buildings, structures or equipment are permitted as follows:
 - (1) In the aggregate, shall not occupy more than thirty-five percent (35%) of any required rear yard areas.
 - (2) Shall be located no closer than three (3) feet from any part of any other building or structure.
 - (3) Shall comply with all applicable Village setback requirements for principal structures.
- (c) **Use Restrictions — Residential Districts.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.
- (d) **Placement Restrictions — Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.
- (e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;

- (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
- (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (k) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed three (3) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.
- (l) **Agricultural Structures.** Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

Sec. 13-1-141 Outside Storage of Firewood.

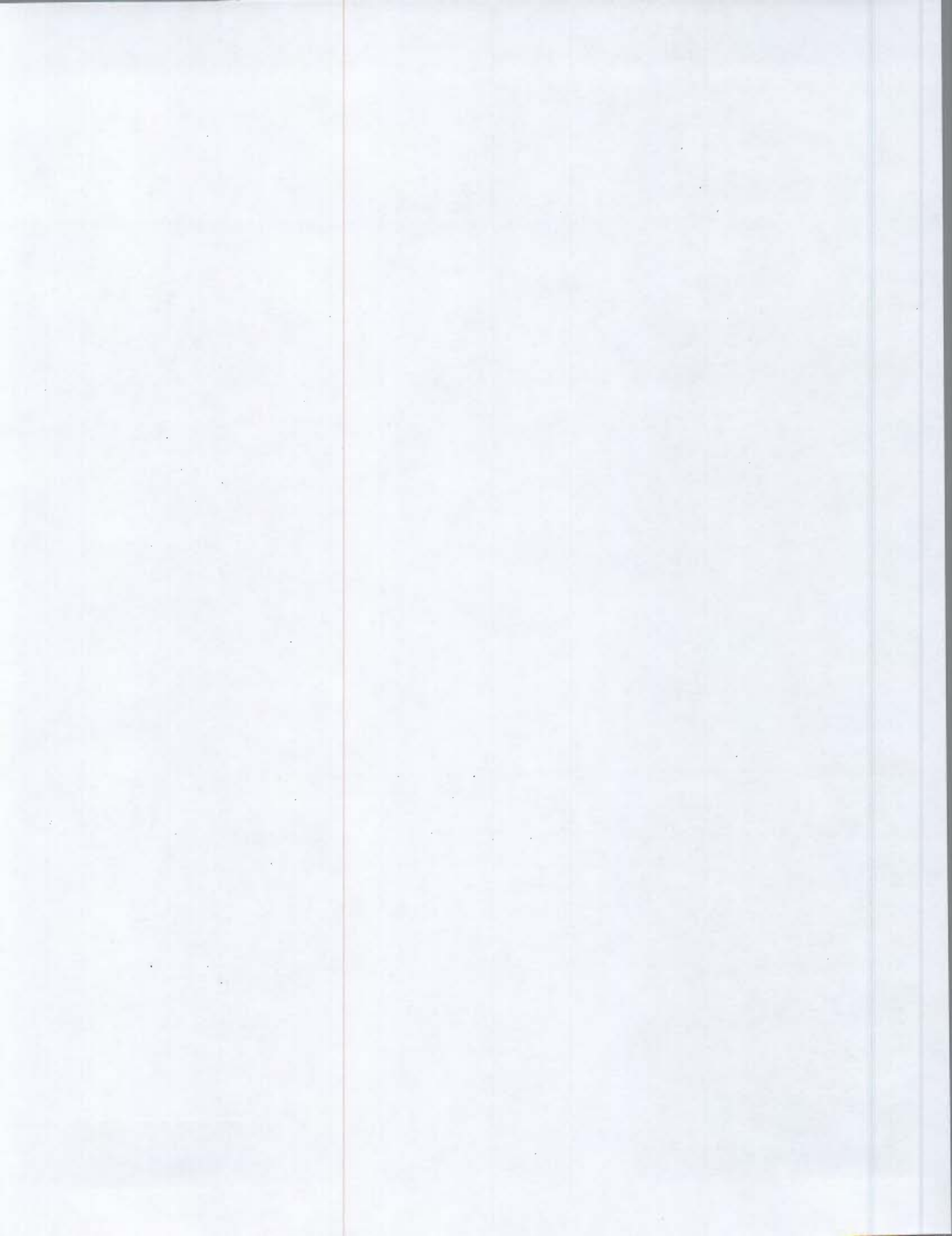
- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of within fifteen (15) days and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-142 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress.

No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

- (b) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
- (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Permit Required.** No person shall construct any residential, commercial or industrial fence without first obtaining a fence permit from the Building Inspector. The application shall be accompanied by a general description of the proposed fence and its construction.
- (d) **Height of Fences Regulated.**
- (1) A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level and be no closer than three (3) feet to a public right-of-way, except that no such fence or wall which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
 - (2) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) No woven, twisted, welded or interlaced wire fence shall be located in a Residential District, unless such fencing is ornamental in character.
 - (4) No wood-slat snow fence shall be permitted in a Residential District.
- (e) **Setback for Residential Fences.** New fences adjacent to a residential property are permitted no closer than three (3) feet to lot lines except that a fence may be constructed on lot lines if both adjacent property owners agree in writing. A copy of such agreement shall be filed with the Clerk-Treasurer. Fences may be constructed alongside lot lines within Residential Districts but shall not extend into the front setback area as extended to the side lot lines. The party constructing the fence shall be responsible for determining the proper location of lot lines.
- (f) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (g) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be



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 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
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 - (4) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.
- (c) **Permit Required.** No person shall construct any residential, commercial or industrial fence without first obtaining a fence permit from the Building Inspector. The application shall be accompanied by a general description of the proposed fence and its construction.
- (d) **Height of Fences Regulated.**
- (1) A fence or wall may be erected, placed or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level and be no closer than three (3) feet to a public right-of-way, except that no such fence or wall which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall along such lot line.
 - (2) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) No woven, twisted, welded or interlaced wire fence shall be located in a Residential District, unless such fencing is ornamental in character.
 - (4) No wood-slat snow fence shall be permitted in a Residential District.
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- (f) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (g) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be

used in industrially or agriculturally zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

- (h) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
- (i) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
- (j) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

Sec. 13-1-143 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
 - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be

provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

- (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (d) **Setbacks and Other Requirements.**
- (1) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line.
- (e) **Location.** Swimming pools constructed in Residential Districts shall be located on the same lot as, and in either the rear or the side yard of, a principal building; however, they shall not be constructed in the front yard or in a required corner side yard in such districts. Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.
- (f) **Fence.**
- (1) Pools whether in-ground or above-ground, within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than six (6) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. The fence material shall be a cyclone type fence, vertical slats, or other members built to discourage or impede climbing; all areas adjacent or near the fence shall be cleared of material which might be used for climbing purposes. Gates or doors shall be kept locked while the pool is not in actual use. All gates or door openings or other means of access into such swimming pool shall be self-closing and self-latching and shall be at least thirty-six (36) inches in height with latches placed in such a manner that they can only be operated from the inside of the enclosure if they are less than forty-eight (48) inches above the ground level, or shall employ such other safe means of securing access that such pool shall be inaccessible to a child under ten (10) years of age when such swimming pool is not in actual use or attended.
 - (2) Barriers of metal, wood, hard plastic, canvas or other durable material designed and employed to prevent use of, or entry into, the pool (rather than to control heat loss or keep out dirt or insects) shall be acceptable guarding for a pool if the same can be locked or secured to prevent such entry or use.

- (3) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top or where the sidewalls are a minimum of thirty-six (36) inches high and pool ladders can be secured when not in use.
- (g) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system approval of the State Board of Health shall be necessary before the construction of any such pool may commence.
- (h) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (i) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (j) **Safety Devices.** Every swimming pool which has a capacity for water exceeding four (4) feet in depth at any point, shall be equipped with a reasonable number of life preservers and/or other safety devices.

Sec. 13-1-144 through Sec. 13-1-149 Reserved for Future Use.

Article L: Administration

Sec. 13-1-150 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-151 Zoning Administrator.

- (a) The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:
 - (1) Maintain records of all permits issued, inspections made, work approved and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (6) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - (7) Request assistance and cooperation from the Village Clerk-Treasurer, Building Inspector and Village Attorney as deemed necessary.
- (b) Due to the size of the Village of Boyceville it may not be feasible to find a suitable person willing to take on the responsibility of being Zoning Administrator on a part-time basis. It is therefore provided that the function of the Zoning Administrator can be delegated to a committee of the Board or a single member of the Board or the Village President. An officer other than a Board member or another employee of the Village may also be designated to handle the duties of Zoning Administrator on part-time basis in addition to the other duties performed by such person.

Sec. 13-1-152 Role of Specific Village Officials in Zoning Administration.

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter.
- (b) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for detail provisions.

Sec. 13-1-153 Zoning Permit.

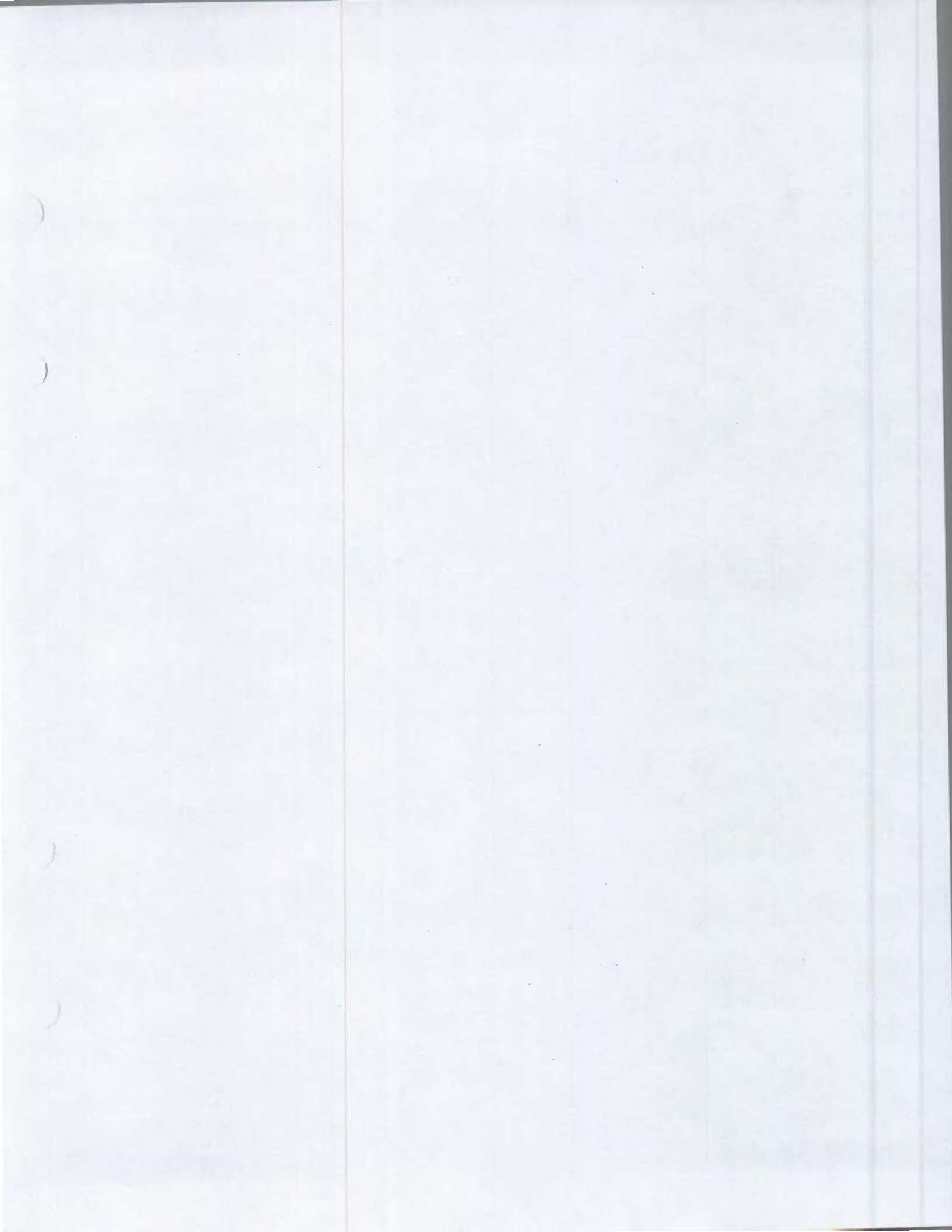
- (a) **Zoning Permit Required.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit. The zoning permit may be issued as part of issuance of a building permit; there shall be a charge for only one (1) permit under such circumstances.
- (b) **Application.** Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Proposed water supply plan if municipal water service is not available. This plan shall be reviewed by the Village Engineer. The owner shall certify, in writing, that an adequate and safe supply of water will be provided.
 - (5) Additional information as may be required by the Village Board, Village Engineer, and Zoning Administrator or Building Inspector, including all information required for site plan approval under Section 13-1-155.

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- (6) Fee receipt from the Village Clerk-Treasurer in the amount of Twenty Dollars (\$20.00).
- (c) **Action.**
- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

Sec. 13-1-154 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

Sec. 13-1-155 through Sec. 13-1-159 Reserved for Future Use.



Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-160 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

Sec. 13-1-161 Initiation of Changes or Amendments.

The Village Board, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-162 Procedure for Changes or Amendments.

- (a) **Application.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
- (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Village Board.
- (b) **Hearings.**
- (1) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under

Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

Sec. 13-1-163 Protest.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-164 through Sec. 13-1-169 Reserved for Future Use.

Sec. 13-1-170 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
- (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-171 Hearing on Appeals.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-172 Decisions of Board of Appeals.

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-173 Variations.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.

- (2) The Village Board may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variation.** The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
 - (6) Fee receipt in the amount of Twenty-five Dollars (\$25.00).
- (c) **Public Hearing of Application.** The Village Board shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.
- (d) **Action of the Board.** For the Board to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (c) **Board of Appeals Action.** Parties may appeal decisions of the Village Board under this Section to the Board of Appeals; the Board of Appeals shall follow the procedures applicable to the Village Board under this Section.
- (f) **Conditions.** The Village Board or the Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

Sec. 13-1-174 Review by Court of Record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

Sec. 13-1-175 through Sec. 13-1-179 Reserved for Future Use.

Article O: Mobile Homes

Sec. 13-1-180 Intent—Where Mobile Home Parks Permitted.

- (a) Mobile home parks may be established in the R-MH Residential District in accordance with the procedures, requirements and limitations set forth in this Article. Within such mobile home parks, mobile homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
- (b) For purposes of this Article, a manufactured home is not a mobile home.
- (c) It is the intent of this Article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Article and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Mobile Homes meeting the requirements of the One- and Two-Family Building Dwelling Code shall not be permitted in a mobile home park except as a conditional use. Permits may be obtained only after approval by the Village Board.
- (d) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Village of Boyceville, except:
 - (1) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sales display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.
 - (2) Individual mobile homes may be allowed by the Village Board in Residential Districts as temporary uses not to exceed one hundred twenty (120) days under exceptional circumstances, such as to provide temporary housing during reconstruction following a fire.
- (e) Mobile homes now parked on private property and outside the Village mobile home park or licensed mobile home parks or under permits heretofore issued pursuant to this Section can continue to be so parked and occupied subject to the payment of the monthly fee provided for by Section 7-5-1. After such mobile home is removed from such location for any reason, or occupancy thereof is discontinued temporarily or permanently for any reason whatsoever, no further permit shall be granted for the parking or occupancy of any mobile home on such property except as permitted by this Section.
- (f) The travel trailer park owned by the Village of Boyceville shall be used for travel trailers only and the overnight fees for the use of the same shall be set annually by the Village Board and shall include all services (electrical, sewer and water, and garbage).

Sec. 13-1-181 Definitions.

The following definitions are used in this Article:

- (a) **Mobile Home Communities (Parks).** Mobile home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivision regulations, which would apply also to mobile home subdivisions without common open space or continuing management.
- (b) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (c) **Residential Mobile Home.** A single-family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, ILHR 20.12-20.17. "Mobile home" also means a dwelling which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a mobile home is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds fifty percent (50%) of the assessable value of the mobile home. The term "mobile home" shall not include a factory-built structure meeting the following requirements:
 - (1) Intended to be set on a foundation by virtue of its construction.
 - (2) Which is normally transported only once, from the factory to the construction site.
 - (3) Which, from its very beginning, is designed to be permanently affixed to land.
- (d) **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the house and installed within sixty (60) days from the date of placement on site.
- (e) **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
- (f) **Secondary Exposure.** Open areas adjacent to side and rear walls of a dwelling unit.
- (g) **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.058 of the Wisconsin Statutes shall also be applicable.

Sec. 13-1-182 Mobile Home Occupancy Permits.

- (a) Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the Village Clerk-

Treasurer within sixty (60) days after the original effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the State and Village. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for twelve (12) consecutive months or if the total structural repairs and alterations to the mobile home exceed fifty percent (50%) of the net value.

- (b) The owner or occupant of a mobile home shall, within five (5) days after entering of a licensed mobile home park or removing to another park within the Village, obtain a permit from the Village Clerk-Treasurer. Such permits shall be issued only for mobile homes which bear a seal, stamp or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1, as originally existing, or, if amended, as amended.
- (c) Nothing herein shall prevent the owner of a mobile home under Subsection (a) hereof from replacing the mobile home with a newer model, provided that the replacement unit meets all applicable standards of construction in the industry existing as of the date of replacement, not at the date of manufacture of the replacement unit.

Sec. 13-1-183 Minimum Number of Lots or Spaces.

- (a) Where a mobile home park is to be established for the development of a single mobile home community, the minimum area shall be two (2) acres. Minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five percent (25%) of total units permitted on the site.
- (b) These limitations shall not apply where expansion of an existing mobile home community is concerned and where such expansion will not increase variation from requirements applying to mobile home communities, as set forth herein.

Sec. 13-1-184 Permitted and Permissible Uses and Structures.

The following principal uses and structures are permitted within authorized mobile home parks:

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.
- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.

Sec. 13-1-185 Mobile Home Park Developer's Permit.

- (a) No person shall construct or extend any mobile home park or mobile home park building or facility within the limits of the Village without first securing a mobile home park developer's permit from the Village. Such permits shall be issued by the Village Clerk-Treasurer upon approval by the governing body.
- (b) Applications for mobile home park developer's permits shall be filed with the Village Clerk-Treasurer with sufficient copies for the Village Clerk-Treasurer to forward one (1) each to the Building Inspector, Fire Chief and Chief of Police, who shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances and laws of the State and Village and report their findings in writing to the governing body within sixty (60) days. Such reports shall be considered by the governing body before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.
- (c) Applications for mobile home park developer's permit shall be accompanied by a fee of Twenty-five Dollars (\$25.00) to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.
- (d) Applications shall be made on forms furnished by the Village Clerk-Treasurer and shall include the following information:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed park, addition, modification or extension.
 - (3) A complete plot plan showing compliance with all applicable provisions of this Chapter and the municipal building code and zoning and subdivision ordinances.
 - (4) Completion preliminary engineering plans and specifications, including a scale drawing of the proposed park showing, but not limited to:
 - a. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.
 - b. Location and width of roadways and walkways, buffer strips, recreational and other common areas.
 - c. The location of mobile home stands with the mobile home spaces, including a detailed sketch of at least one (1) typical mobile home space and stand therein.
 - d. Landscape plan showing all plantings.
 - e. Plans and specifications of all park buildings and structures.
 - (5) Interest of applicant in proposed mobile home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.

- (6) Written statements describing proposed park operations, management and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.
- (e) Final engineering plans and specifications complying with the provisions of this Article and the zoning regulations and any modifications or conditions imposed by the governing body shall be submitted to the Village Clerk-Treasurer and checked by the proper municipal officials for compliance before the license is issued.

Sec. 13-1-186 Standard Requirements for Mobile Home Parks, Additions or Extended.

All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

- (a) Chapter HSS 177, Wisconsin Administrative Code, as now existing or hereafter amended, is hereby made a part of this Chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or Ordinance of the State or Village.
- (b) Mobile home spaces shall be a minimum of fifty (50) feet wide and one hundred (100) feet in depth, have a setback of twenty (20) feet from all street right-of-ways, and have a side yard setback of ten (10) feet, except that driveways may extend to within four (4) feet of a property line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches shall be considered part of the unit for purposes of determining compliance with this provision. No mobile home site shall be rented for a period of less than thirty (30) days. There shall be two (2) surfaced automobile parking spaces for each mobile home. Unless adequately screened by existing vegetative cover, a mobile park shall be screened around its outer perimeter by a planting of hedges or trees, capable of reaching a height of fifteen (15) feet or more, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet when mature.
- (c) No mobile home park shall be laid out, constructed or operated without Village sanitary sewer service.
- (d) All liquid wastes originating at units, service or other buildings shall be discharged into a sewerage system extended from and connected with the public sewerage system. Such systems shall comply with all provisions of the State Code and Village Ordinances relating to plumbing and sanitation. Each individual space shall be provided with a three (3) inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third (1/3) of the stand, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

- (e) Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the Village Board. Open burning of waste or refuse is prohibited.
- (f) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state and local codes.
- (g) Each space shall be provided with direct electrical service of not less than one hundred (100) amperes for two hundred twenty (220) volt service.
- (h) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
- (i) Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- (j) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.
- (k) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- (l) All parks shall be furnished with individual outdoor lot lighting of twenty-five to sixty (25-60) watts so spaced and equipped with luminaries placed for the safe movement of pedestrians and vehicles at night.
- (m) All mobile home spaces shall abut upon a street. All streets shall be provided with a smooth, hard and dense surface which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be curbed and protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight percent (8%), provided a maximum grade of twelve percent (12%) may be used if approved by the Village Board, as safe and designed to avoid traffic hazards. Streets shall be at approximately right angles within one hundred (100) feet of an intersection. Intersections of more than two (2) streets at one (1) point shall not be allowed. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersecting streets.
- (n) All parks shall be provided with pedestrian walks between individual mobile homes, park streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be approved by the Village Board as safe and comparable to sidewalks in other areas of the municipality subject to similar usage, except, that as an alternative, inverted curbing may be used which provides approximately three (3) feet of concrete walking area adjacent to the curbline.

- (o) All mobile home parks shall have a greenbelt or buffer strip not less than ten (10) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- (p) Mobile home park operators shall, at the time of approval, pay the park development fees required for conventional subdivisions in Title 14 of this Code of Ordinances.
- (q) Single-family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one (1) park office and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the Village Board may approve the following uses when designed and limited to exclusive use of park residents:
 - (1) Laundromats.
 - (2) Clubhouses and facilities for private, social or recreation clubs.
 - (3) Swimming pools.
- (r) No signs shall be erected in mobile home parks.
- (s) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

Sec. 13-1-187 Mobile Home Park Operator's License.

- (a) It shall be unlawful for any person to establish, operate, maintain or administer or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the Village without a valid, unexpired mobile home park license issued by the Village Clerk-Treasurer and approved by the Village Board upon determination that the standards in this Section have been met and payment of the required fees.
- (b) Mobile home park licenses shall be issued for a calendar year and shall expire on December 31 next succeeding date of issue. Licenses may be issued after January 1 of any year but no rebate or diminution of the fee shall be allowed therefor.
- (c) The annual fee for a mobile home park license shall be Seventy-five Dollars (\$75.00) for each fifty (50) mobile home spaces or fraction thereof; such fee shall also be paid upon the renewal of such license. Licenses may be transferred during a license year for a fee of Ten Dollars (\$10.00).

- (d) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with Section 66.058(2), Wis. Stats., and the procedures in that Section shall be followed. "Cause" as used in this Subsection shall include, but not be limited to:
- (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
 - (2) Conviction of any offense under the laws of the State or Ordinances of the Village relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
 - (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Village, including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals or nuisances.
 - (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.
- (e) Except as provided in Subsection (f) of this Section, no mobile home park license shall be granted for any premises or to any person not meeting the following standards and requirements:
- (1) All standards and requirements set forth in Section 13-1-188 except as specifically waived or modified in writing by the Village Board and endorsed on the mobile home developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of Ch. HSS 177, Wis. Adm. Code, applicable thereto.
 - (2) Mobile home parks should be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses.
 - (3) Applicant shall file with the Village Board certificates certifying that all equipment, roads, sanitary facilities, water facilities and other equipment and facilities, including roads, have been constructed or installed in the park as required by this Chapter and are in required operating condition at the time of said application. In addition, the Chief of Police, Building Inspector, and the Chief of the Fire Department shall inspect or cause to be inspected each application and the premises to determine compliance with all applicable laws, regulations and ordinances applicable thereto. These officials shall furnish the Village Board in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying.

- (4) Location and operation of the park shall comply with all zoning and land use Ordinances of the State and Village.
- (f) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks in areas hereafter annexed to the Village, shall be exempt from the requirements hereof relating to land use and occupancy provided such use and occupancy complies with the applicable laws and ordinances in effect at the time of issuance of the original license but shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this Chapter within six (6) months after the effective date hereof, provided that an existing mobile home park having a density in excess of that provided in Section 13-1-188 shall not increase its density and shall be operated in other respects in accordance with this Chapter. The governing body may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety and welfare of park occupants or inhabitants of the Village. All extensions, modifications or additions to lawfully licensed existing parks or facilities or structures therein shall comply with this Chapter.

Sec. 13-1-188 Operation of Mobile Home Parks; Responsibilities of Park Management.

- (a) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Village and State and their agents or officers and shall have the following duties:
- (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - a. Names and addresses of all owners and occupants of each mobile home.
 - b. Number of children of school age.
 - c. State of legal residence.
 - d. Dates of entrance and departure of each mobile home.
 - e. Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - f. Place of employment of each occupant, if any.
 - (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
 - (3) Report to Village law enforcement officials all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.

- (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
- (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (6) Maintain the park free from growth of noxious weeds.
- (7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodentproof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the municipality, including regulations promulgated by the Fire Chief.
- (10) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-190(b) of this Chapter.

Sec. 13-1-189 Responsibilities and Duties of Mobile Home Park Occupants.

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Village or lawful regulation or order adopted thereunder.

- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Village.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 13-1-190 Additional Regulations on Mobile Homes and Mobile Home Parks.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Village. The Building Inspector or Village Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Building Inspector or Village Board so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) Authorized representatives of the Village Board are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the Village.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents, and may be performed by a professional mobile home service technician.
- (e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

- (f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the Building Inspector. Construction on, or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This Subsection shall not apply to addition of awnings, antennas or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- (g) Storage under mobile homes is prohibited.

Sec. 13-1-191 Compliance with Plumbing, Electrical and Building Ordinances.

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

Sec. 13-1-192 Standards for General Site Planning for Mobile Home Communities.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.
- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.

- (c) **Protection of Visibility – Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference.
- (d) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
- (e) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) **Vehicular Access to Streets.** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) **Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.**
 - a. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - b. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways

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and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Sec. 13-1-193 through Sec. 13-1-199 Reserved for Future Use.

Article P: Definitions

Sec. 13-1-200 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.
- (1) **Abutting.** Have a common property line or district line.
 - (2) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure. Including, but not limited to, garage, prefabricated metal buildings for storage, carport, greenhouses, screened enclosures, swimming pool, bathhouse and filter equipment shed, playhouse and gazebo.
 - (3) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.
 - (4) **Alley.** A public way not more than twenty-one (21) feet wide which affords only a secondary means of access to abutting property.
 - (5) **Apartment.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
 - (6) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
 - (7) **A Zones.** Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These zones may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (8) **Basement.** That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
 - (9) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
 - (10) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

- (11) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (12) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (13) **Building, Detached.** A building surrounded by open space on the same lot.
- (14) **Building, Heights of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (15) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.
- (16) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (17) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (18) **Campground.** A privately or municipally owned parcel or tract of land, maintained, intended or used for the purposes of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles, or sleeping bags, and may include structures to provide services to the patrons, such as restrooms, bathing and laundry facilities.
- (19) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (20) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (21) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (22) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (23) **Corner Lot.** On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five

percent (75%) of the setback required on residences fronting on the side street -- but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).

- (24) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Dunn County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.
- (25) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (26) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (27) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (28) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (29) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one (1) family.
- (30) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (31) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- (32) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (33) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (34) **Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to

compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.

- (35) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (36) **Family.** One (1) or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage or adoption. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- Exceptions: Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nurses or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is hereby incorporated by reference.
- (37) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (38) **Flood.** A temporary rise in streamflow or stage in lake level that results in water overtopping the banks and inundating the areas adjacent to the stream channel or lake bed.
- (39) **Flood Insurance Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mud flow) and/or floor-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- (40) **Flood Profile.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- (41) **Flood Protection Elevation.** A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action and obstructions of bridge openings.

- (42) **Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (43) **Floodlands.** For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (44) **Floodplain Fringe.** Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district.
- (45) **Floodproofing.** Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials, to operation and management safeguards, such as the following: reinforcing the basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation or removal of all electric equipment; avoidance of the use of flood-vulnerable areas; temporary removal of waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and food drain pipes; placement of movable watertight bulkheads; erection of sand bag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
- (46) **Floodway.** A designated portion of the 100-year flood area that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- (47) **Floor Area — Business and Manufacturing Buildings.** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage

areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

- (48) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.
- (49) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (50) **Garage — Private.** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (51) **Garage — Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (52) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (53) **Home Occupation.** A gainful occupation conducted by members of the family only, within their place of residence; provided that the area used does not exceed twenty-five percent (25%) of the total floor area, excluding attached garage, and that no article or service is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. The use is to be clearly incidental to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety. No articles shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. Persons operating a home occupation shall employ no more than one (1) nonresident employee. No material or equipment shall be stored outside the confines of the home. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor or electrical disturbance. The home may not be altered to attract business. No motors shall be utilized which exceed one (1) horse power each and not exceeding five (5) horsepower in total, such activity being deemed a public nuisance. Repairing of motor bicycles, motorcycles and motor driven cycles, other than those licensed and owned by the occupants of a home in a residential area is strictly prohibited. For the purpose of this Subsection, the definitions of the above-mentioned vehicles shall be as set forth in Chapter 340 of the Vehicle Code of the Wisconsin State Statutes. Such

- repairing is deemed a public nuisance. It is immaterial for the purpose of this Subsection whether or not such repairing is done in return for remuneration.
- (54) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (55) **Kennel.** An area or structure for breeding, rearing, boarding or training of three (3) or more dogs over the age of five (5) months.
- (56) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (57) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (58) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.
- (59) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (60) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (61) **Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (62) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (63) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (64) **Lot Coverage (except residential).** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (65) **Lot Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (66) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

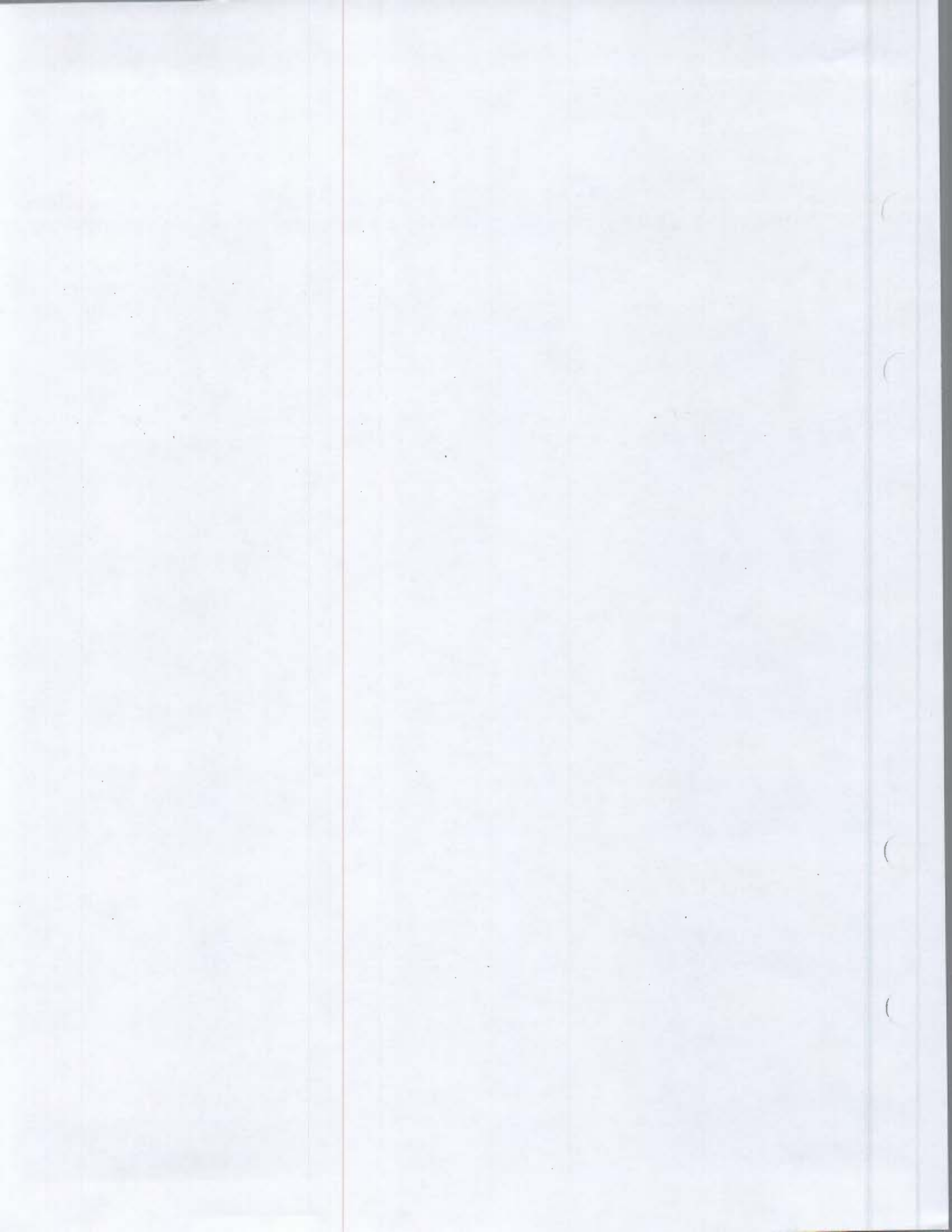
- (67) **Lot Width.** The horizontal distance between the side lot lines measured at the building setback line.
- (68) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (69) **Mobile Home.** A manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.
- (70) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (71) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (72) **Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (73) **Modular Unit.** A modular unit is a factor fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.
- (74) **Nonconforming Uses.** Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- (75) **Official Letter of Map Amendment.** Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (76) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (77) **Parking Space.** A graded and surfaced area of not less than one hundred eighty (180) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (78) **Parties In Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

- (79) **Public and Semi-Public Uses.** Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums. Public, private and parochial preschool, elementary and secondary schools, and churches. Cemeteries, private clubs and lodges and storage garages.
- (80) **Professional Office.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, engineer, lawyer, author, musician or other recognized trade. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than twenty-five percent (25%) of the floor area of one (1) story of a dwelling unit shall be occupied by such office and only one (1) unlighted nameplate, not exceeding one (1) square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (81) **Public Airport.** Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (82) **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (83) **Regional Flood.** This regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.
- (84) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (85) **Salvage Yard.** Site used for the storage or sale of salvageable materials or for the purposes of salvage, wrecking, dismantling, or demolition of salvageable materials. This includes the collection and/or dismantling of automobiles or other objects of transportation, re-use or resale.
- (86) **Setback.** The minimum horizontal distance between the front lot line (measured from right-of-way line) and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (87) **Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

- (88) **Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (89) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (90) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (91) **Street.** Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- (92) **Street Yard.** A yard extending across the full width of the lot, the depot of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (93) **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- (94) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (95) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (96) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (97) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (98) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.

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- (99) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (100) **Vislon Clearance.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
- (101) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (102) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (103) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Sec. 13-1-201 through Sec. 13-1-219 Reserved for Future Use.



Article Q: Airport Regulations

Sec. 13-1-220 Statement of Purpose; Airport Obstacle Regulations.

- (a) This Article is adopted pursuant to the authority conferred by the Wisconsin Statutes. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airport administered by the Village of Boyceville ("Boyceville Municipal Airport") and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Boyceville Municipal Airport (hereinafter, "Airport"), and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Airport and the public investment therein. Accordingly, it is declared:
- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Airport;
 - (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 - (3) That the prevention of these obstruction should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- (b) It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration, or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a potential subdivision may raise and expend public funds and acquire land or interests in land.

Sec. 13-1-221 Short Title.

This Article shall be known and may be cited as the Boyceville Airport Zoning Ordinance.

Sec. 13-1-222 Definitions.

As used in this Article, the following definitions are applicable unless the context otherwise requires:

- (a) **Airport.** The Boyceville Municipal Airport located in Section 36, Town 30N, Range 14W, Dunn County Wisconsin.
- (b) **Airport Hazard.** Any structure or object of natural growth which obstructs the air space required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off.
- (c) **Height.** The overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

- (d) **Nonconforming Use.** Any structure or tree which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.
- (e) **Person.** Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (f) **Runway.** A level portion of any airport having a surface especially developed and maintained for the landing and take-off of aircraft.
- (g) **Structure.** Any object constructed or installed by man.
- (h) **Trees.** Does not include shrubs, bushes or plants which do not grow to a height of more than twenty (20) feet.

Sec. 13-1-223 Zones.

All zones established by this Section are as shown on the map dated July 31, 1995, entitled, "Height Limitation Zoning Map, Boyceville Municipal Airport, Dunn County, Wisconsin," which is incorporated herein by reference; such map is on file with the Village Clerk-Treasurer.

Sec. 13-1-224 Height Limitation Zones.

Except as otherwise provided in this Article, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the map referred to in Section 13-1-223 hereof.

Sec. 13-1-225 Height Exceptions.

The restrictions contained in Section 13-1-224 shall not apply to the following:

- (a) Objects which are less than thirty-five (35) feet in height above ground level at the object site within one-half (1/2) mile of the airport boundary; or to structures less than fifty (50) feet in height above ground within the area beginning one-half (1/2) mile from the airport boundary and extending to one (1) mile from the airport boundary; or to structures less than one hundred (100) feet in height above the ground within the area beginning one (1) mile from the airport boundary and extending to three (3) miles from the airport boundary; and
- (b) Structures that are constructed, altered or located within fifty (50) feet of a pre-existing object permitted under this ordinance (including non-conforming uses) which are not higher than such permitted object.

Sec. 13-1-226 Non-Conforming Uses.

- (a) **Not Retroactive.** The regulations prescribed in Sections 13-1-223 and 13-1-224 shall not be construed to require the removal, lowering or other change or alteration of any non-conforming use, or otherwise interfere with the continuance of any non-conforming use, except as otherwise provided by Section 13-1-228(b).
- (b) **Change.** Nothing herein contained shall required any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this Article, and is such is diligently prosecuted.
- (c) **Removal.** This Section shall not interfere with the removal of non-conforming uses by purchase or the use of eminent domain.

Sec. 13-1-227 Administration.

It shall be the duty of the Zoning Administrator or his/her designee to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him/her. Applications for permits or variances shall be granted or denied within forty-five (45) days of the date of filing of the applications, unless Federal Aviation Administration approval is requested. Applications for action by the Board of Appeals shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision. There shall be no charge for applications or permits.

Sec. 13-1-228 Permits.

- (a) **Future Uses.** No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section 13-1-223 until the owner or his/her agent shall have applied in writing for a permit therefor and obtained such permit from the Zoning Administrator, except structures less than thirty-five (35) feet in height above the ground and within one-half (1/2) mile of the airport boundary and structures less than fifty (50) feet in height above the ground within the area beginning one-half (1/2) mile from the airport boundary and extending to three (3) miles from the airport boundary. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use for which the permit is desired, and shall describe and locate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for. The Zoning Administrator or Village Board shall have the right to trim, prune, or remove at the property owner's expense any tree which was planted after adoption of this Article and found to be in violation of the height restriction for the zone in which it is located.

- (b) **Existing Uses.** Before any non-conforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by Subsection (a) authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this Article, or than it was when the application for permit was made.

Sec. 13-1-229 Board of Appeals.

The Board of Appeals shall hear appeals and variance requests to this Article. The Board of Appeals shall be composed as established in Title 2, Chapter 4 of the Village of Boyceville Code of Ordinances.

Sec. 13-1-230 Appeals and Review.

- (a) **Variances.**
- (1) Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this Article as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Article would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this Article, and does not create a hazard to the safe, normal operation of aircraft.
 - (2) A variance has been granted for the Village's watertower.
- (b) **Aggrieved Person.** Any person aggrieved or affected by any decision or action of the Zoning Administrator made in his/her administration of this Article may appeal such decision or action to the Board of Appeals.
- (c) **Procedure.** Any appeal taken pursuant to this Article shall be in conformity with the procedure established by Sec. 62.23(7)(e), Wis. Stats.

Sec. 13-1-231 Penalties.

Any person violating any of the provisions of this Article shall, upon conviction, be subject to a forfeiture as provided by Section 1-1-6 of the Village of Boyceville Code of Ordinances, 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 said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

ORDINANCE 2015 - .

An ordinance regarding amendment to the Village of Boyceville's Floodplain Zoning Code.

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. Title 13 Chapter 2 of the Code of Ordinances for the Village of Boyceville, Wisconsin, is hereby repealed and recreated as follows:

Chapter 2

Floodplain Zoning

ARTICLE A. INTRODUCTION

- Sec. 13-2-1 Statutory Authorization
- Sec. 13-2-2 Finding of Fact
- Sec. 13-2-3 Statement of Purpose
- Sec. 13-2-4 Title
- Sec. 13-2-5 General Provisions
 - (a) Areas to be Regulated
 - (b) Official Maps and Revisions
 - (c) Establishment of Districts
 - (d) Locating Floodplain Boundaries
 - (e) Removal of Lands from Floodplain
 - (f) Compliance
 - (g) Municipalities and State Agencies Regulated
 - (h) Abrogation and Greater Restrictions
 - (i) Interpretation
 - (j) Warning and Disclaimer of Liability
 - (k) Severability
 - (l) Annexed Areas for Cities/Villages

ARTICLE B. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN

- Sec. 13-2-10 Hydraulic and Hydrologic Analyses
- Sec. 13-2-11 Watercourse Alterations
- Sec. 13-2-12 Chapter 30, 31, Wis. Stats., Development
- Sec. 13-2-13 Public or Private Campgrounds

ARTICLE C. FLOODWAY DISTRICT (FW)

- Sec. 13-2-20 Applicability
- Sec. 13-2-21 Permitted Uses
- Sec. 13-2-22 Standards for Development
 - (a) General
 - (b) Structures
 - (c) Public Utilities, Streets, and Bridges
 - (d) Fills or Deposition of Materials
- Sec. 13-2-23 Prohibited Uses

ARTICLE D. FLOODFRINGE DISTRICT (FF)

- Sec. 13-2-30 Applicability
- Sec. 13-2-31 Permitted Uses
- Sec. 13-2-32 Standards for Development
 - (a) Residential Uses
 - (b) Accessory Structures or Uses
 - (c) Commercial Uses
 - (d) Manufacturing and Industrial Uses
 - (e) Storage of Materials
 - (f) Public Utilities, Streets, and Bridges
 - (g) Sewage Systems
 - (h) Wells
 - (i) Solid Waste Disposal Sites
 - (j) Deposition of Materials
 - (k) Manufactured Homes
 - (l) Mobile Recreational Vehicles

ARTICLE E. GENERAL FLOODPLAIN DISTRICT (GFP)

- Sec. 13-2-40 Applicability
- Sec. 13-2-41 Permitted Uses
- Sec. 13-2-42 Standards for Development
- Sec. 13-2-43 Determining Floodway/Floodfringe Limits

ARTICLE F. NONCONFORMING USES

- Sec. 13-2-50 General
- Sec. 13-2-51 Floodway Districts
- Sec. 13-2-52 Floodfringe Districts

ARTICLE G. ADMINISTRATION

- Sec. 13-2-60 Zoning Administrator
 - (a) Duties and Powers
 - (b) Land Use Permit
 - (c) Certificate of Compliance

- (d) Other Permits
- Sec. 13-2-61 Zoning Agency
- Sec. 13-2-62 Board of Appeals
 - (a) Powers and Duties
 - (b) Appeals to the Board
 - (c) Boundary Disputes
 - (d) Variance
- Sec. 13-2-63 To Review Appeals of Permit Denials
- Sec. 13-2-64 Floodproofing
- Sec. 13-2-65 Public Information

ARTICLE H. AMENDMENTS

- Sec. 13-2-70 General
- Sec. 13-2-71 Procedures

ARTICLE I. ENFORCEMENT AND PENALTIES

ARTICLE J. DEFINITIONS

ARTICLE A. INTRODUCTION

Sec. 13-2-1. Statutory Authorization

This ordinance is adopted pursuant to the authorization in s. 61.35 Stats. and the requirements in s. 87.30, Stats.

Sec. 13-2-2. Finding of Fact

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

Sec. 13-2-3. Statement of Purpose

This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

Sec. 13-2-4. Title

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Boyceville, Wisconsin.

Sec. 13-2-5. General Provisions

(a) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps

approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article H. (Amendments)) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Boyceville Village Hall. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS : Based on the FIS:

- (1) Flood Insurance Rate Map (FIRM), panel number 55033C0162C, 55033C0166, and C55033C0167C dated December 2, 2011 with corresponding profiles that are based on the Flood Insurance Study (FIS) dated December 2, 2011 55033CV000A.

Approved by: The DNR and FEMA

(c) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

- (1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (2) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (3) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(d) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below.

If a significant difference exists, the map shall be amended according to Article H. (Amendments). The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 13-2-62(c) and the criteria in subd. (1) and subd. (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article H. (Amendments).

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(e) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article H. (Amendments).

(f) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(g) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

(h) ABROGATION AND GREATER RESTRICTIONS

(1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 Stats. or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(i) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(j) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(k) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(l) ANNEXED AREAS FOR CITIES AND VILLAGES

The Dunn County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE B. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 13-2-60(b). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

Sec. 13-2-10. Hydraulic and Hydrologic Analyses

(a) No floodplain development shall:

- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- (2) Cause any increase in the regional flood height due to floodplain storage area lost.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article H. (Amendments) are met.

Sec. 13-2-11. Watercourse Alterations

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 13-2-10 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article H. (Amendments), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

Sec. 13-2-12. Chapter 30, 31, Wis. Stats., Development

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Article H. (Amendments).

Sec. 13-2-13. Public or Private Campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (a) The campground is approved by the Department of Health Services;
- (b) A land use permit for the campground is issued by the zoning administrator;
- (c) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in subd. (d) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (g) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;
- (h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article C. (Floodway District (FW)), Article D. (Floodfringe District (FF)), or Article E. (General Floodplain District (GFP)) for the floodplain district in which the structure is located;
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (l) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

ARTICLE C. FLOODWAY DISTRICT (FW)

Sec. 13-2-20. Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 13-2-43.

Sec. 13-2-21. Permitted Uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in ss. 13-2-22 and 13-2-23; and
 - all permits or certificates have been issued according to s. 13-2-60.
- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 13-2-22(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 13-2-22 and 13-2-23.
 - (e) Extraction of sand, gravel or other materials that comply with s. 13-2-22(d).

- (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (g) Public utilities, streets and bridges that comply with s. 13-2-22(c).

Sec. 13-2-22. Standards for Developments in the Floodway

(a) GENERAL

- (1) Any development in the floodway shall comply with Article B. (General Standards Applicable to All Floodplain) and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to ss. 13-2-10 and 13-2-60(b)(3):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (2) above.

(b) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) PUBLIC UTILITIES, STREETS AND BRIDGES

Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 13-2-10.

(d) FILLS OR DEPOSITION OF MATERIALS

Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of s. 13-2-10 are met;
- (2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.

Sec. 13-2-23. Prohibited Uses

All uses not listed as permitted uses in s. 13-2-21 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- (e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE D. FLOODFRINGE DISTRICT (FF)

Sec. 13-2-30. Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 13-2-43.

Sec. 13-2-31. Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 13-2-32 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 13-2-60 have been issued.

Sec. 13-2-32. Standards for Development in the Floodfringe

S. 13-2-10 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article F. (Nonconforming Uses);

(a) **RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article F. (Nonconforming Uses);

- (1) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 13-2-32(a)(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
- (2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
- (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (4).

(4) In developments where existing street or sewer line elevations make compliance with subd. (3) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

- a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
- b. The municipality has a DNR-approved emergency evacuation plan.

(b) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(c) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 13-2-32(a). Subject to the requirements of s. 13-2-32(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 13-2-64. Subject to the requirements of s. 13-2-32(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 13-2-64. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of

such facilities shall only be permitted if they are designed to comply with s. 13-2-64.

- (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 13-2-64(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(h) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 13-2-64(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(i) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(k) MANUFACTURED HOMES

- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. have the lowest floor elevated to the flood protection elevation; and
 - b. be anchored so they do not float, collapse or move laterally during a flood
- (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 13-2-32(a).

(I) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in ss. 13-2-32(k)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

ARTICLE E. GENERAL FLOODPLAIN DISTRICT (GFP)

Sec. 13-2-40. Applicability

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

Sec. 13-2-41. Permitted Uses

Pursuant to s. 13-2-43, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 13-2-21) and Floodfringe (s. 13-2-31) Districts are allowed within the General Floodplain District, according to the standards of s. 13-2-42, provided that all permits or certificates required under s. 13-2-60 have been issued.

Sec. 13-2-42. Standards for Development in the General Floodplain District

Article C. (Floodway District (FW)) applies to floodway areas, Article D. (Floodfringe District (FF)) applies to floodfringe areas. The rest of this ordinance applies to either district.

- (a) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
 - (1) at or above the flood protection elevation; or
 - (2) two (2) feet above the highest adjacent grade around the structure; or
 - (3) the depth as shown on the FIRM
- (b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

Sec. 13-2-43. Determining Floodway and Floodfringe Limits

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - (1) A Hydrologic and Hydraulic Study as specified in s. 13-2-60(b)(3).
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
- (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

ARTICLE F. NONCONFORMING USES

Sec. 13-2-50. General

(a) **APPLICABILITY**

If these standards conform with s. 62.23(7)(h), Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or

addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-2-32(a). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-2-32(a).
- (6) If on a per event basis the total value of the work being done under subd. (4) and subd. (5) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-2-32(a).
- (7) Except as provided in subd. (8), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the

damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a. Residential Structures

- 1) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 13-2-64(b).
- 2) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- 3) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- 5) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13-2-42.
- 6) in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

b. Nonresidential Structures

- 1) Shall meet the requirements of ss. 13-2-50(b)(8)a.1-6.
- 2) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in ss. 13-2-64 (a) or (b).
- 3) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 13-2-42.

- (c) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 13-2-22(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 13-2-64 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 13-2-50(b)(8)a. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

Sec. 13-2-51. Floodway District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of s. 13-2-50;
 - (3) Shall not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to s. 13-2-64, by means other than the use of fill, to the flood protection elevation; and
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 13-2-64(c) and ch. SPS 383, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 13-2-64(c) and chs. NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-52. Floodfringe District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. 13-2-32 except where s. 13-2-52(b) is applicable.
- (b) Where compliance with the provisions of subd. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 13-2-62, may grant a variance from those provisions of subd. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, shall not be installed;
 - (4) Flood depths shall not exceed two feet;
 - (5) Flood velocities shall not exceed two feet per second; and
 - (6) The structure shall not be used for storage of materials as described in s. 13-2-32(e).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 13-2-64(c) and ch. SPS 383, Wis. Adm. Code.
- (d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 13-2-64(c) and ch. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE G. ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under s. 62.23(7), Stats., these officials shall also administer this ordinance.

Sec. 13-2-60. Zoning Administrator

- (a) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations;
 - c. Floodproofing certificates.
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses. .
- (5) Submit copies of the following items to the Department Regional office:
 - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (6) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of amendments to the FEMA Regional office.

(b) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure,

including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(1) GENERAL INFORMATION

- a. Name and address of the applicant, property owner and contractor;
- b. Legal description, proposed use, and whether it is new construction or a modification;

(2) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Article C. (Floodway District (FW)) or Article D. (Floodfringe District (FF)) are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 13-2-10. This may include any of the information noted in s. 13-2-22(a).

(3) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

a. Zone A floodplains:

1. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC-RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data

is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

b. Zone AE Floodplains

1. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

2. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(4) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(c) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application for such certificate shall be concurrent with the application for a permit;
- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 13-2-64 are met.

(d) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-61. Zoning Agency

(a) The Planning Committee shall:

- (1) oversee the functions of the office of the zoning administrator; and
- (2) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(b) The Planning Committee shall not:

- (1) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- (2) amend the text or zoning maps in place of official action by the governing body.

Sec. 13-2-62. Board of Appeals

The Board of Appeals, created under s. 62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(a) POWERS AND DUTIES

The Board of Appeals shall:

- (1) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- (2) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- (3) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(b) APPEALS TO THE BOARD

- (1) Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(2) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

- a. Notice - The Board shall:
 - i. Fix a reasonable time for the hearing;
 - ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
 - iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- b. Hearing - Any party may appear in person or by agent. The Board shall:
 - i. Resolve boundary disputes according to s. 13-2-62(c);
 - ii. Decide variance applications according to s. 13-2-62(d); and
 - iii. Decide appeals of permit denials according to s. 13-2-63.

(3) DECISION: The final decision regarding the appeal or variance application shall:

- a. Be made within a reasonable time;
- b. Be sent to the Department Regional office within 10 days of the decision;
- c. Be a written determination signed by the chairman or secretary of the Board;
- d. State the specific facts which are the basis for the Board's decision;
- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(c) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
- (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

- (3) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article H. (Amendments).

(d) VARIANCE

- (1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in s. 13-2-3.
- (2) In addition to the criteria in subd. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance shall not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area;
 - e. Allow actions without the amendments to this ordinance or map(s) required in Article H. (Amendments); and
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

- (4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

Sec. 13-2-63. To Review Appeals of Permit Denials

- (a) The Zoning Agency (s. 13-2-61) or Board shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in s. 13-2-60(b);
 - (2) Floodway/floodfringe determination data in s. 13-2-43;
 - (3) Data listed in s. 13-2-22(a)(2) where the applicant has not submitted this information to the zoning administrator; and
 - (4) Other data submitted with the application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of s. 13-2-62;
 - (2) Consider zoning agency recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
 - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article H. (Amendments); and
 - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

Sec. 13-2-64. Floodproofing Standards for Nonconforming Structures or Uses

- (a) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

- (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) certified by a registered professional engineer or architect; or
 - (2) meets or exceeds the following standards:
 - i. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. the bottom of all openings shall be no higher than one foot above grade; and
 - iii. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed, as appropriate, to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters; and
 - (5) Minimize or eliminate discharges into flood waters.

Sec. 13-2-65. Public Information

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) Real estate transfers should show what floodplain district any real property is in.

ARTICLE H. AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13-2-70.

- (a) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 13-2-70. Any such alterations must be reviewed and approved by FEMA and the DNR.

- (b) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 13-2-70.

Sec. 13-2-70. General

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 13-2-71 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (c) Any changes to any other officially adopted floodplain maps listed in s. 13-2-5(b)(2);
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (e) Correction of discrepancies between the water surface profiles and floodplain maps;
- (f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Sec. 13-2-71. Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by ss. 13-2-43 and 13-2-60(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- (b) No amendments shall become effective until reviewed and approved by the Department.

- (c) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

ARTICLE I. ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

ARTICLE J. DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a

FIRM.

8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the

insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 13-2-5(b), which has been approved by the Department and FEMA.
65. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
66. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

67. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. SUBDIVISION – Has the meaning given in s. 236.02(12), Stats.

75. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
81. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Section 2: This ordinance shall take effect upon passage and publication as required by law.

Village of Boyceville

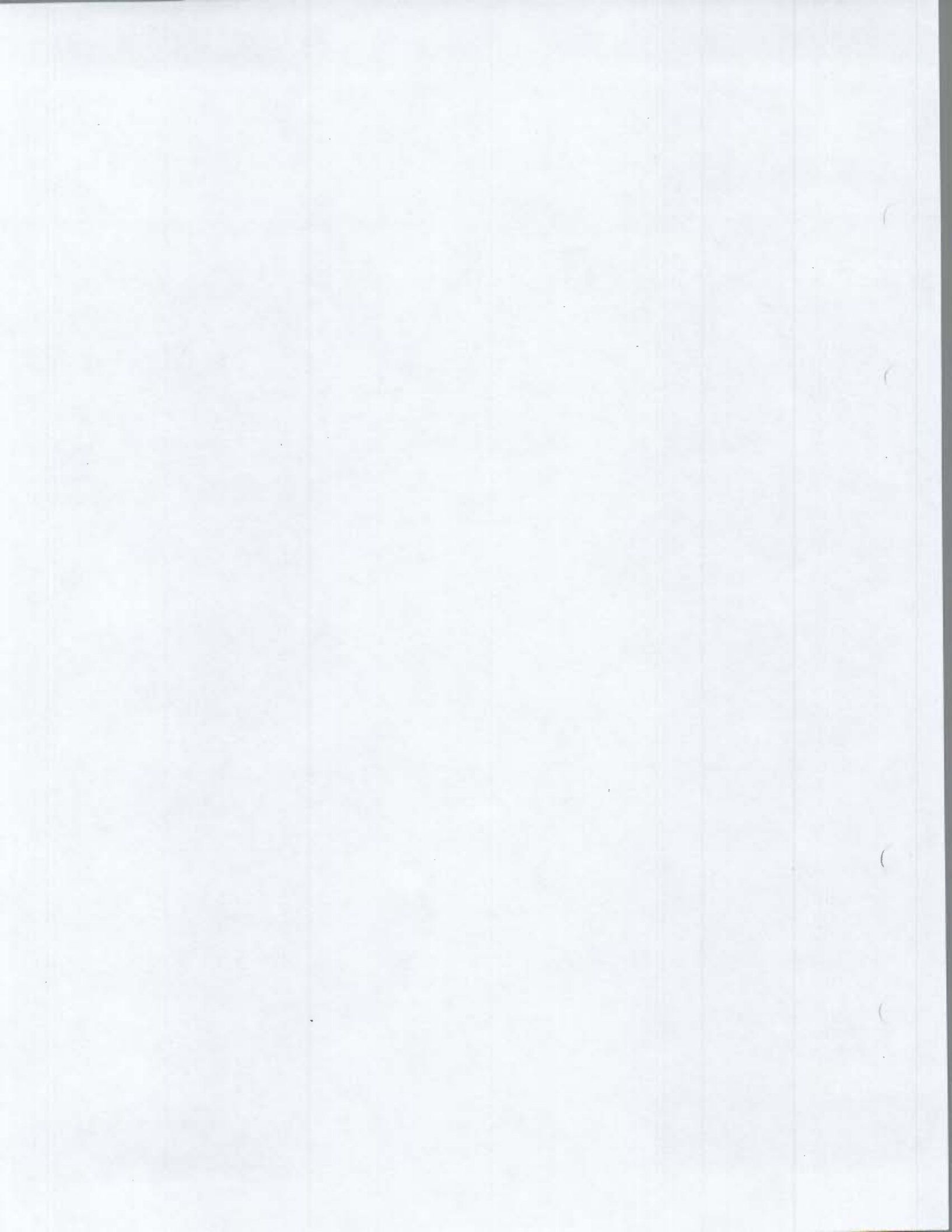
Gilbert Krueger, President

ATTEST:

C.J. Swanepoel
Clerk-Treasurer

Adopted - _____

Published - _____



Chapter 3

Shoreland–Wetland Zoning

Article A Statutory Authorization; Findings of Fact; Statement of Purpose and Title

- 13-3-1** Statutory Authorization
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Article B General Provisions

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Article C Shoreland–Wetland Zoning District

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- 13-3-21** District Boundaries
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- 13-3-41** Definitions

Article A: Statutory Authorization; Findings of Fact;
Statement of Purpose and Title

Sec. 13-3-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, 87.30 and 144.26, Wis. Stats.

Sec. 13-3-2 Findings of Fact.

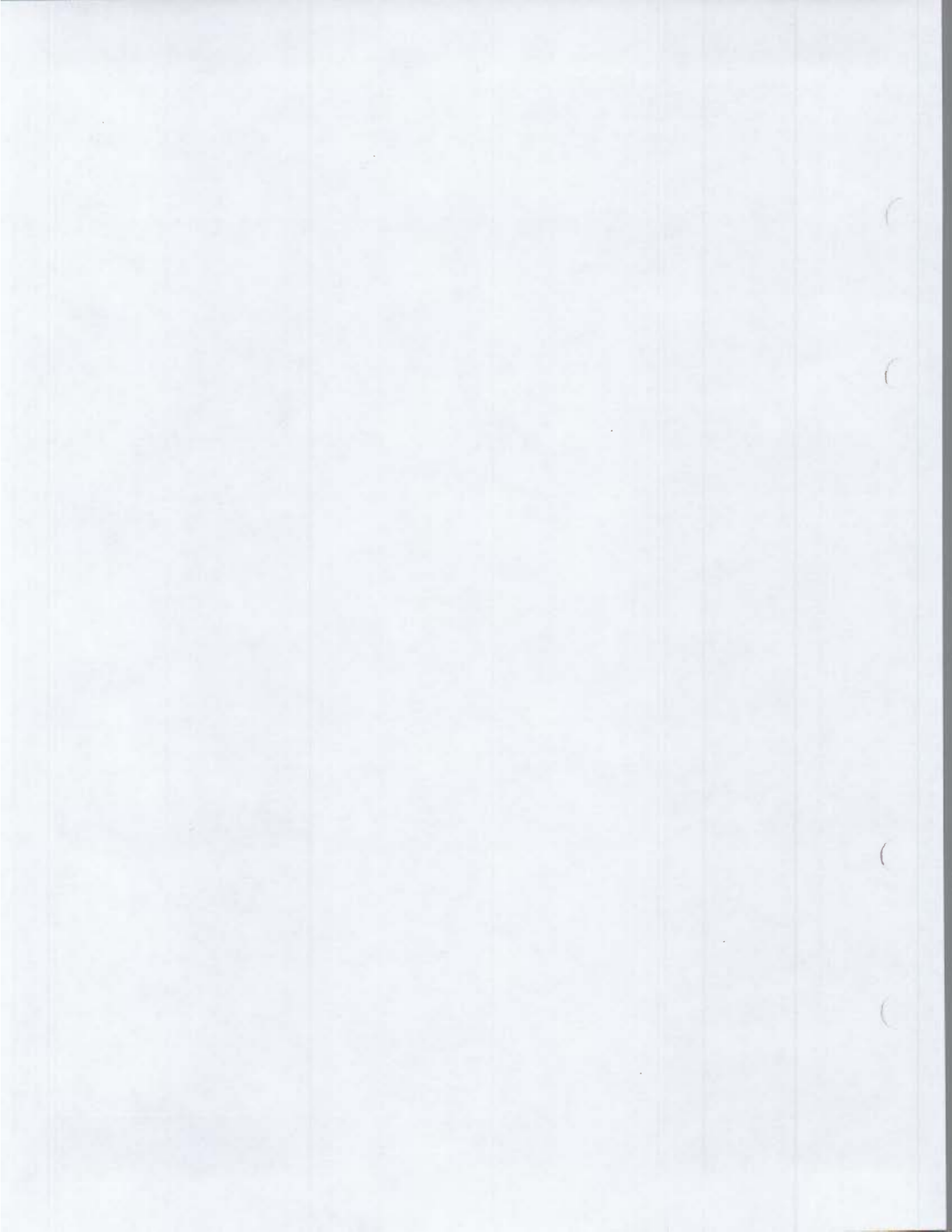
Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the Village of Boyceville would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- (a) Promote the public health, safety, convenience and general welfare;
- (b) Maintain the storm and flood water storage capacity of wetlands;
- (c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- (e) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

Sec. 13-3-3 Title of Chapter.

Shoreland-Wetland Zoning Ordinance/Chapter for the Village of Boyceville, Wisconsin.

Sec. 13-3-4 through Sec. 13-3-9 Reserved for Future Use.



Article B: General Provisions

Sec. 13-3-10 Compliance.

The use of wetlands and the alteration of wetlands within the shoreland area of the Village of Boyceville shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 13-3-24 of this Chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

Sec. 13-3-11 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, town and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wis. Stats., applies.

Sec. 13-3-12 Abrogation and Greater Restrictions.

- (a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 61.35, 62.23 or 87.30, Wis. Stats., which relates to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

Sec. 13-3-13 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-3-14 Severability.

Should any portion of this Chapter be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Sec. 13-3-15 Annexed Areas.

The shoreland zoning provisions of Dunn County in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Dunn County shoreland zoning provisions are incorporated by reference for the purpose of administering this Chapter and are on file in the office of the municipal zoning administrator.

Sec. 13-3-16 through Sec. 13-3-19 Reserved for Future Use.

Article C: Shoreland-Wetland Zoning District

Sec. 13-3-20 Official Shoreland-Wetland Zoning Maps.

The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Village Clerk-Treasurer:

- (a) Wisconsin Wetland Inventory map stamped "Final" on March 4, 1988.
- (b) Floodplain zoning maps titled Floodway and dated November 19, 1986.

Sec. 13-3-21 District Boundaries.

- (a) **Boundaries.** The shoreland-wetland zoning district includes all wetlands in the Village of Boyceville, Wisconsin, which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-3-20 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village of Boyceville shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20 of this Chapter.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20. Floodplain Zoning Maps shall be used to determine the extent of floodplain areas in the Village.
- (b) **Determinations of Navigability.** Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for the final determination of navigability or ordinary high-water mark.
- (c) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If the Department staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order

to correct wetland mapping errors or acknowledge exempted wetlands designated in Sections 13-3-21(d) and 13-3-21(e), the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

- (d) **Filled Wetlands.** Wetlands which are filled prior to March 4, 1988, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this Chapter.
- (e) **Wetlands Landward of a Bulkhead Line.** Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under Sec. 30.11, Wis. Stats., are not subject to this Chapter.

Sec. 13-3-22 Permitted Uses.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible, and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

- (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-3-37(c) of this Chapter; and
 - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) **Permit Required.** Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37(c) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

- c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37 (c) of this Chapter.

Sec. 13-3-23 Prohibited Uses.

- (a) **Rezoning Required.** Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-37 of this Chapter.
- (b) **Boathouses; Other Prohibited Uses.** The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

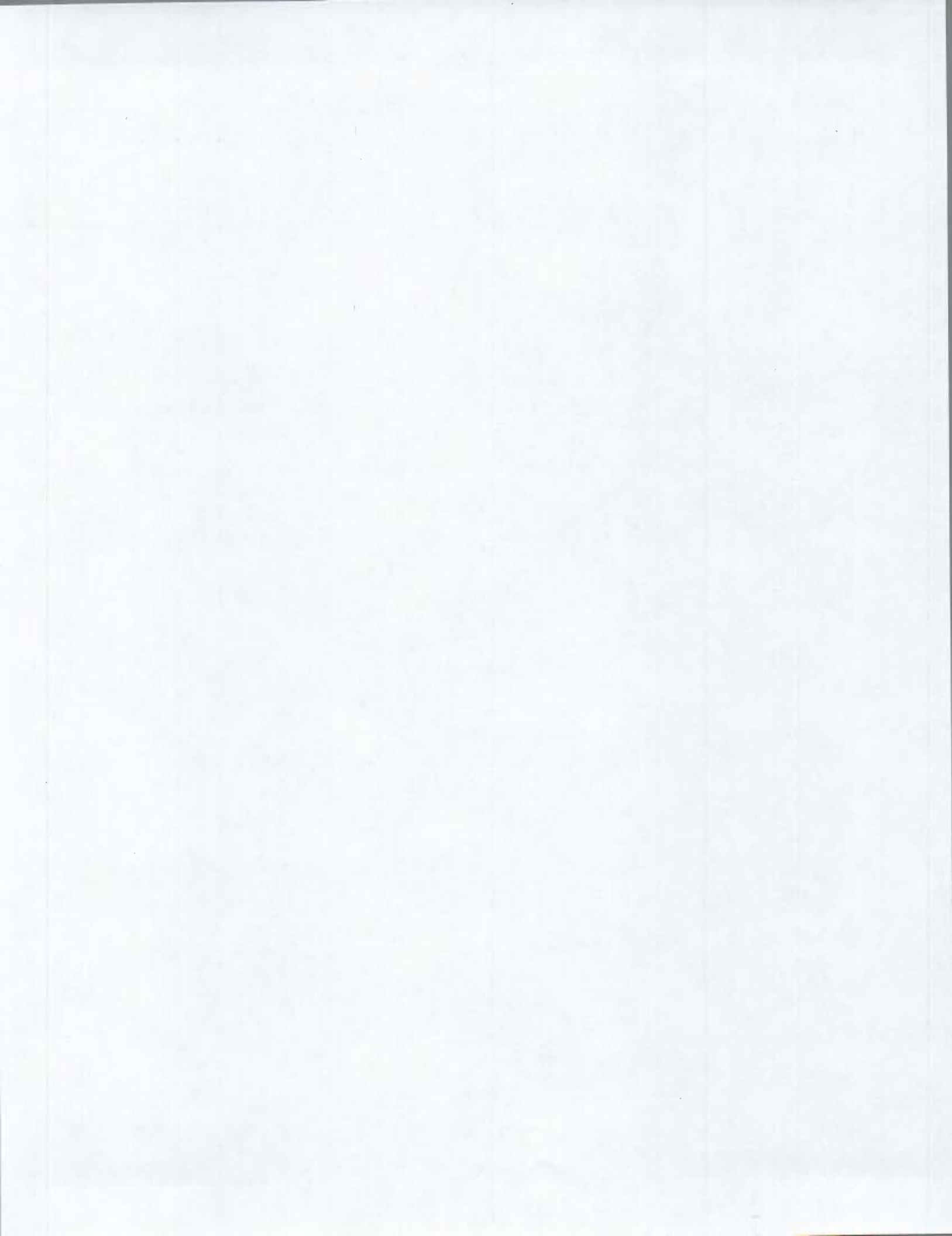
Sec. 13-3-24 Nonconforming Structures and Uses.

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (a) **Reconstruction and Repair.** The shoreland-wetland provisions of this ordinance authorized by Sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.

- (b) **Nonconforming Use Discontinued.** If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (c) **Nonconforming Use Without a Structure.** Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (d) **Nonconforming Boathouses.** The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (e) **Nuisances.** Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-3-25 through Sec. 13-3-29 Reserved for Future Use.



Article D: Administrative Provisions

Sec. 13-3-30 Zoning Administrator.

The Building Inspector is appointed Zoning Administrator for the purpose of administering and enforcing this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applications as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

Sec. 13-3-31 Zoning Permits.

- (a) **When Required.** Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13-3-41(b)(6) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) **Application.** An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
 - (1) **General Information.**
 - a. Name, address and telephone number of applicant, property owner and contractor, where applicable.
 - b. Legal description of the property and a general description of the proposed use or development.
 - c. Whether or not a private water or sewage system is to be installed.
 - (2) **Site Development Plan.** The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Dimensions and area of the lot;
 - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

- c. Description of any existing or proposed on-site sewage systems or private water supply systems;
 - d. Location of the ordinary high-water mark of any abutting navigable waterways;
 - e. Boundaries of all wetlands;
 - f. Existing and proposed topographic and drainage features and vegetative cover;
 - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
 - h. Location of existing or future access roads; and
 - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) **Expiration.** All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

Sec. 13-3-32 Certificates of Compliance.

- (a) **Certificates of Compliance.** Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
 - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Chapter.
- (b) **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
- (c) **Issued Upon Written Request.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

Sec. 13-3-33 Conditional Use Permits.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator, a public hearing is held by the Plan Commission followed by an advisory recommendation, and a conditional

use permit has been issued by the Village Board following the procedures in Section 13-3-37(b), (c) and (d).

- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section 13-3-22, the Village Board shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: Type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Village Board may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

Sec. 13-3-34 Fees.

The Village Board, by resolution, shall establish fees for the following:

- (a) Zoning permits.
- (b) Public hearings.
- (c) Legal notice publications.
- (d) Conditional use permits.
- (e) Rezoning petitions.
- (f) Certificates of compliances.

Sec. 13-3-35 Recording.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

Sec. 13-3-36 Revocation.

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

Sec. 13-3-37 Board of Appeals.

- (a) **Appointment.** The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall

adopt rules for the conduct of the business of the Board of Appeals as required by Section 62.23(7)(e)3, Wis. Stats.

- (b) **Powers and Duties.** The Board of Appeals shall:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - (2) Hear and decide applications for conditional use permits under this Chapter.
 - (3) May authorize, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
 - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
 - b. That the hardship is due to special conditions unique to the property; and is no self-created or based solely on economic gain or loss.
 - c. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter.
 - d. That such variance will not grant or increase any use of property which is prohibited in the zoning district.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official from whom the appeal is taken and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other official from whom the appeal is taken shall transmit to the Board all the papers constituting the record on which the appeal action was taken.
- (d) **Public Hearings.**
- (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
 - (2) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.
- (e) **Decisions.**
- (1) The final disposition of an appeal, or application for a conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination

appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.

- (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within one hundred ninety (190) days after the decision is issued.

Sec. 13-3-38 Amending Shoreland-Wetland Zoning Regulations.

The Village Board may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Village planning agency.
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held as required by Section 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least twenty (20) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 144.26, Wis. Stats., will be accomplished by the amendment, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The appropriate district office of the Department shall be provided with:
 - (1) A copy of the recommendations and report, if any, of the municipal planning agency on the proposed text or map amendment within ten (10) days after the submission of those recommendations to the Village Board; and

- (2) Written notice of the Village Board's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, that proposed amendment, if approved by the Village Board, may not become effective until more than thirty (30) days have elapsed since written notice of the Village Board approval was mailed to the Department, as required by Subsection (e) of this Section. If, within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village under Section 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment may not become effective until the ordinance adoption procedure under Section 62.231(6) and 61.351(6), Wis. Stats., is completed or otherwise terminated.

Sec. 13-3-39 Reserved for Future Use.

Article E: Penalties; Definitions

Sec. 13-3-40 Enforcement and Penalties.

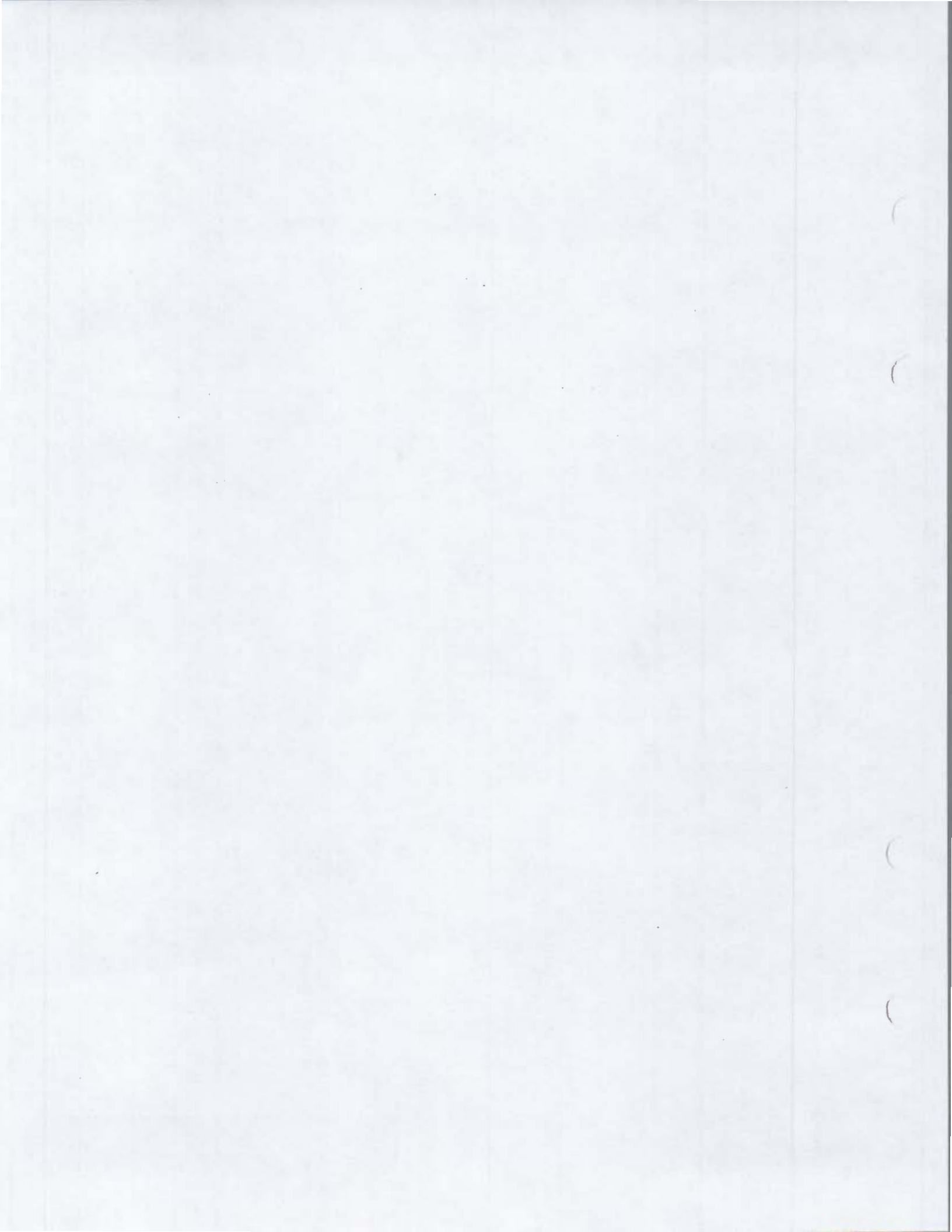
Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Village Board and the Village Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Forty Dollars (\$40.00) nor more than Seventy Dollars (\$70.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

Sec. 13-3-41 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
- (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (2) **Boathouse.** As defined in Section 30.121(1), Wis. Stats., a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
 - (3) **Class 2 Public Notice.** Publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - (4) **Conditional Use.** A use which is permitted by this Chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

- (5) **Department.** The Wisconsin Department of Natural Resources.
- (6) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
- (7) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (8) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (9) **Fixed Houseboat.** As defined in Section 30.121(1), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (10) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sections 62.351 and 62.221, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - a. Such lands are not adjacent to a natural navigable stream or river;
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - c. Such lands are maintained in nonstructural agricultural use.
- (11) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (12) **Planning Agency.** The Plan Commission created under Section 62.23(1), Wis. Stats., or the Planning Committee of the Village.
- (13) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

-
- (14) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter as described in Section 13-3-20 of this Chapter.
 - (15) **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
 - (16) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
 - (17) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
 - (18) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.



Chapter 4

Annexations

13-4-1 Annexation—July 11, 1994

c. 13-4-1 Annexation—July 11, 1994.

(a) Purpose.

- (1) A petition for the direct annexation to the Village of Boyceville, Dunn County, Wisconsin of those properties hereinafter described was fully and properly presented to the Village Board for the Village of Boyceville, Wisconsin at its regular meeting on the 11th day of July, 1994, all pursuant to Sec. 66.021, Wis. Stats., said petition having fully complied with the requirements of Sec. 66.021, Wis. Stats., and
- (2) There was no objection to said annexation.
- (3) It would be in both the present and future best interests of the Village of Boyceville, Wisconsin, and the person owning lands and/or residing within the areas proposed for annexation as described below for such annexation to occur, and
- (4) It is in the present best interests of both the Village of Boyceville, Wisconsin, and the areas proposed to be annexed as hereinafter described that said proposed annexation territories be zoned, from time to time by the Village of Boyceville, as deemed necessary and in the best interests of the municipality from time to time, until further Order and appropriate zoning or rezoning action, if any, is implemented by the Village of Boyceville, Wisconsin. Further, all current uses of those properties annexed pursuant to and under the terms of this annexation ordinance shall be allowed to continue by the owners of said annexation territories and, in addition thereto, shall be allowed to continue by the subsequent owners of said properties provided, however, there is no break or interruption in such continued use as a result of any such transfer of ownership interest by the current or future owners of said real estate.

(b) Property Annexed.

- (1) The following described properties be, and hereby are, annexed to the Village of Boyceville, Wisconsin, a Wisconsin Municipal Corporation:

That part of the Southwest 1/4 of the Northwest 1/4 of Section 25, T30N, R14W, described as follows: Commencing 10 rods North from the Southwest corner thereof, thence North 10 rods, thence East 16 rods, thence South 10 rods, thence West 16 rods to the place of beginning.

Part of the Southeast 1/4 of the Northeast q/4, and part of the Southwest 1/4 of the Northeast 1/4, all in Section 25, T30N, R14W, Town of Tiffany, Dunn County, Wisconsin described as follows: Commencing at the East 1/4 corner of Section 26, T30N, R14W; thence on an assumed bearing of N89 11'25" West, along the south line of the Northeast 1/4 of said Section 25, a distance of 33.00 feet to the point of beginning of the parcel herein described; thence continuing N89 11'25" West, West, along said South line, 2600.53 feet to the center 1/4 corner of said Section 25; thence N00 33' 53" East, along the west line of said Northeast 1/4, 891.90 feet; thence S89 15' 28" East, 2603.30 feet; thence S00 44' 32" West, 894.96 feet to the point of beginning, excepting therefrom that parcel described in Volume 162 of Dunn County Records on Page 229. Said parcel contains 53.35 acres. The bearing used in this description are referenced to the east line of the Northeast 14/ of Section 25, T30N, R14W, which is assumed to bear N00 44' 32" East.

- (2) Said territories and lands are zoned, from time to time, in the manner as herein before described, all as any such zoning, if any, may be defined by the official ordinances of the Village of Boyceville, Wisconsin.
- (3) All current uses of those properties annexed herein and under the terms hereof shall be allowed to continue by the owners of said properties and, in addition thereto, be allowed to continue by the subsequent owners of said properties provided, however, there is not break or interruption in such continued use as the result of any such transfer of ownership interest by the current or future owners of real estate.

13-4-2 Annexation - June 14, 1999

- (a) Property Annexed.

In accordance with Sec. 66.025, Wis. Stats. the following described Town of Hay River property is annexed to the Village of Boyceville:

Lot 1 CSM #2056 recorded in Volume 9 of Survey Maps Page 6, being a part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) and the Northeast Quarter (NE¼) of the Northwest (NW¼) all in Section Thirty-one (31), Township Thirty (30) North, Range Thirteen (13) West, Town of Hay River, Dunn County, Wisconsin.

(b) Effect of Annexation.

From and after the date of this ordinance the territory described in Section (a) shall be a part of the Village of Boyceville for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Boyceville.

(c) Zoning.

Upon the effective date of this ordinance the annexed territory shall be zoned Industrial District (I-1), and shall be subject to the provisions of Chapter 13 of the Code of ordinances of the Village of Boyceville.

THE REMAINDER OF THE PAGE IS RESERVED.

TITLE 13-4-3 OF THE ORDINANCES FOR THE VILLAGE OF BOYCEVILLE FOR 2003.

An ordinance relating to Annexation of Tiffany Cemetery

THE VILLAGE BOARD OF THE VILLAGE OF BOYCEVILLE DO ORDAIN AS
FOLLOWS:

Section 13-4-3 ANNEXATION – January 13, 2003

(a) Purpose.

(1) A petition for the direct annexation to the Village of Boyceville, Dunn County, Wisconsin of those properties hereinafter described was fully and properly presented to the Village Board for the Village of Boyceville, Wisconsin at its regular meeting on the 13th day of January, 2003, all pursuant to Sec. 66.0221, Wis. Stats., (formerly 66.021(12)), said petition having fully complied with the requirements of Sec. 66.0221, Wis. Stats., and

(2) There was no objection to said annexation.

(3) It would be in both the present and future best interests of the Village of Boyceville, Wisconsin, and the person owning lands and/or residing within the areas proposed for annexation as described below for such annexation to occur, and

(4) It is in the present best interest of both the Village of Boyceville, Wisconsin, and the areas proposed to be annexed as hereinafter described that said proposed annexation territories be zoned, from time to time by the Village of Boyceville, as deemed necessary and in the best interests of the municipality from time to time, until further Order and appropriate zoning or rezoning action, if any, is implemented by the Village of Boyceville, Wisconsin. Further, all current uses of those properties annexed pursuant to and under the terms of this annexation ordinance shall be allowed to continue by the owners of said annexation territories and, in addition thereto, shall be allowed to continue by the subsequent owners of said properties provided, however, there is no break or interruption in such continued use as a result of any such transfer of ownership interest by the current or future owners of said real estate.

(b) Property Annexed.

(1) The following described properties be, and hereby are, annexed to the Village of Boyceville, Wisconsin, a Wisconsin Municipal Corporation:

A parcel of land located in the NE1/4 of Section 34, T30N, R14W, Town of Tiffany, Dunn County, Wisconsin, being further described as follows: Commencing at the Northeast corner of the SE1/4 of the NE1/4; thence S. 1°52' E. 28.95 feet to the centerline of S.T.H. 170; thence S. 88°44'W. along said centerline 673 feet to the point of intersection of the tangents of a curve; thence N. 82°20' W. along said centerline 540 feet to the point of intersection of the tangents of a curve; thence S. 84°22' W. along said centerline 133.60 feet to the point of tangency of a curve; thence S. 5°38' E. 33.00 feet to the south line of S.T.H. 170; thence S. 84°22' W. along said south line, 285.79 feet; thence S. 1°12' 30 " E. 438.55 feet; thence N. 88°47'30" E. 300.00 feet; thence N. 0°15'30" W. 462.22 feet to the south

line of S.T.H. 170; thence southwesterly along said south line and along the arc of a curve, concave southerly, whose chord bears S. 84°57'30" W. 22.93 feet to the point of beginning.
Also subject to existing easements.

- (2) Said territories and lands may be zoned, from time to time, in the manner as herein before described, as such zoning, if any, may be defined by the official ordinances of the Village of Boyceville, Wisconsin.
- (3) All current uses of those properties annexed herein and under the terms hereof shall be allowed to continue by the owners of said properties and, in addition thereto, be allowed to continue by the subsequent owners of said properties provided, however, there is no break or interruption in such continued or future owners of real estate.

Section 2. This ordinance shall take effect upon the day after its publication as provided in Section 61.50(1), Wisconsin Statutes.

INTRODUCED 1-13-03

APPROVED THIS 13th DAY OF

January, 2003.

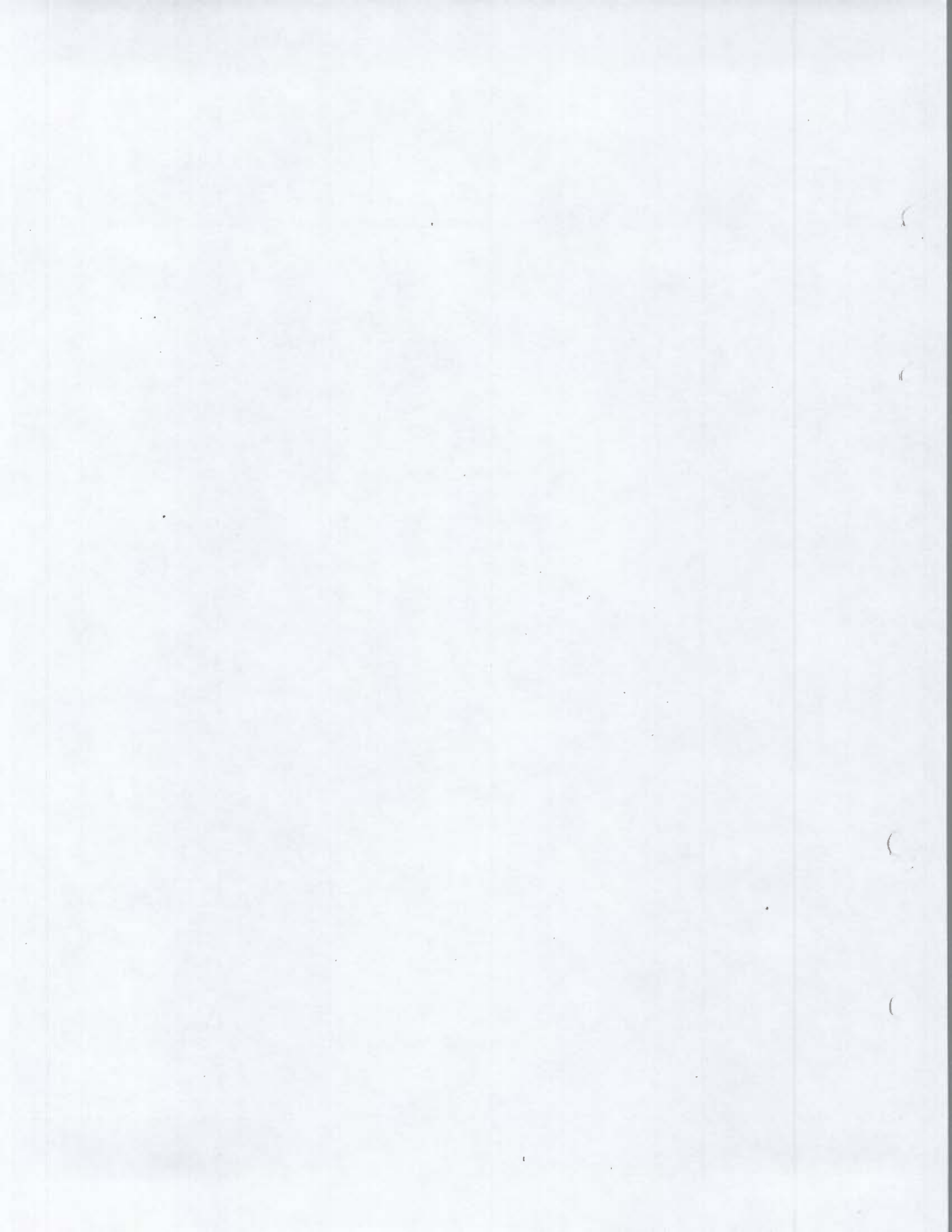

Michael M. Olson

PASSED 1-13-03

PUBLISHED 1-22-03

SUBMITTED BY: Herb Dow

ATTEST C. J. Swanepoel
VILLAGE CLERK



CHAPTER 5

Comprehensive Planning

SEC. 13-5-1

SEC. 13-5-2

SEC. 13-5-3

SEC. 13-5-4

SEC. 13-5-5

Sec. 13-5 Chapter 5 is hereby created as follows:

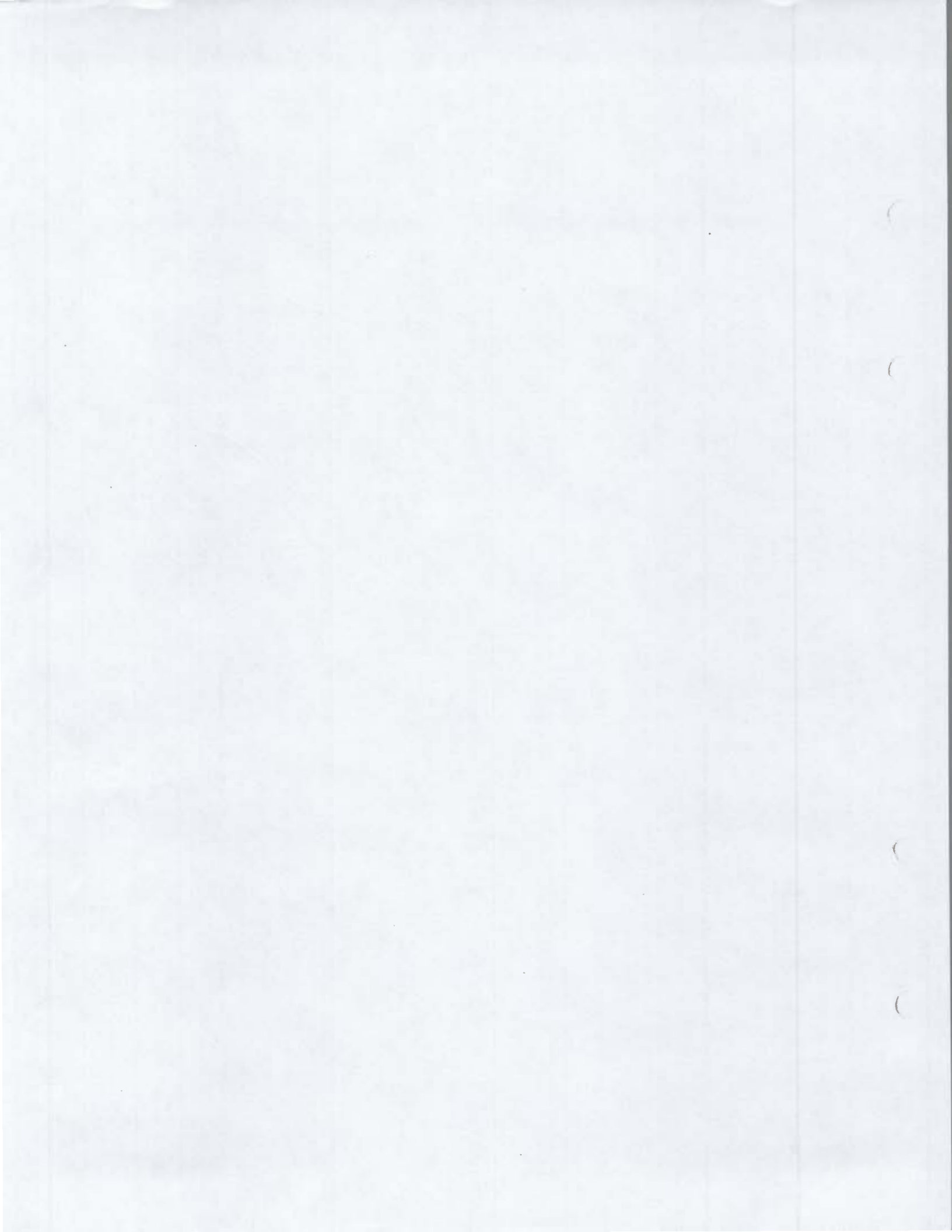
Section. 13-5-1. Pursuant to Sec. 61.35 Wis. Stats. And Sec. 62.23(2) and (3), Wis. Stats, the Village of Boyceville is authorized to prepare and adopt a comprehensive plan as defined in Sec. 66.1001(1)(a) and Sec. 66.1001(2), Wis. Stats.

Section 13-5-2. The Village Board of the Village of Boyceville, Wisconsin has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Sec. 66.1001(4)(a), Wis. Stats.

Section 13-5-3. The Planning Committee of the Village of Boyceville, by a majority vote recorded in the official minutes dated December 30, 2009, has adopted a resolution recommending to the Village Board the adoption of the document entitled A Village of Boyceville Comprehensive Plan 2010-2030 @ containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.

Section 13-5-4. The Village has held at least one public hearing on this ordinance in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.

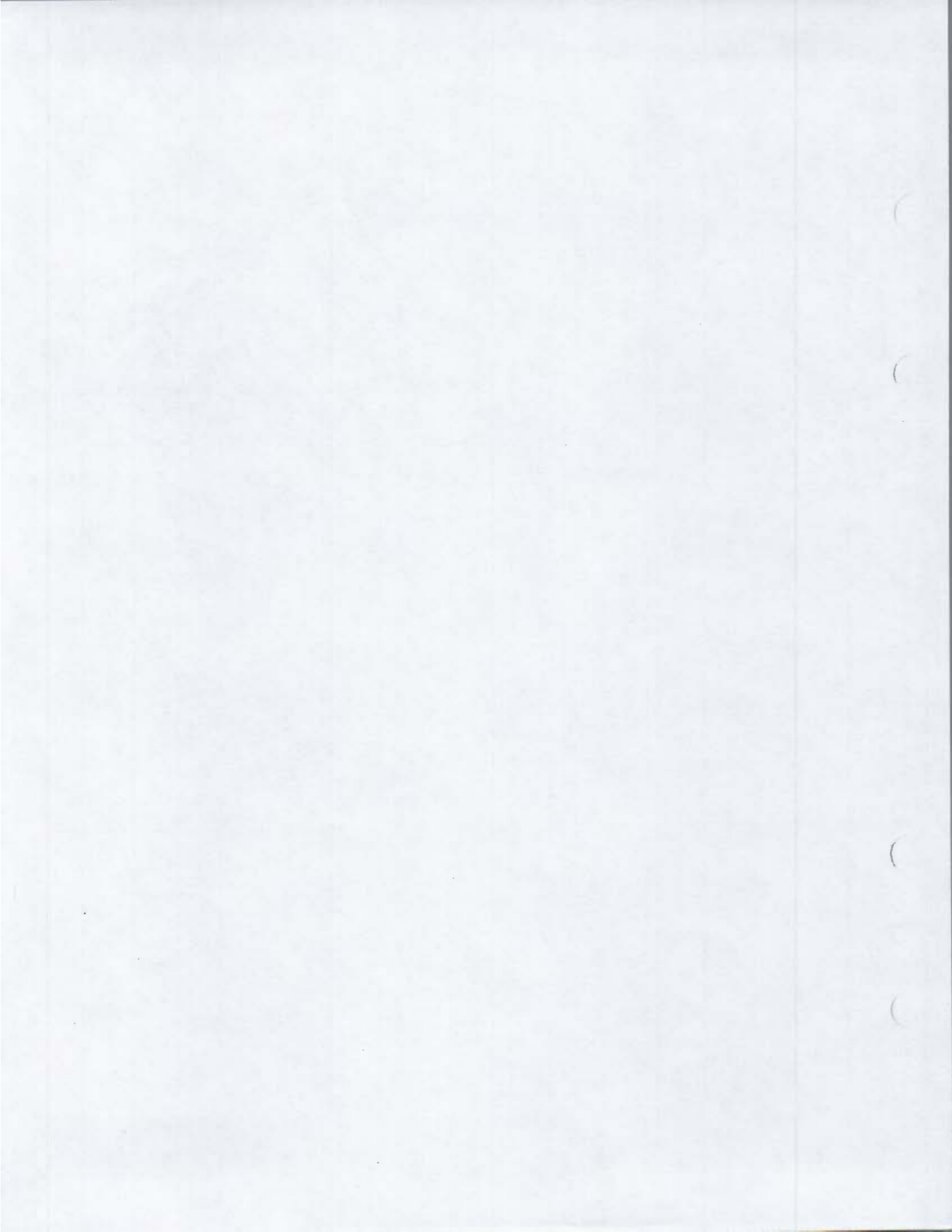
Section 13-5-5. The Village Board of the Village of Boyceville, does, by enactment of this ordinance, formally adopt the document entitled, A Village of Boyceville Comprehensive Plan 2010-2030 @ pursuant to Sec. 66.1001(4)(c), Wis. Stats.



TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations



Chapter 1

Subdivision Regulations

14-1-1	Introduction and Purpose
14-1-2	Definitions
14-1-3	General Provisions
14-1-4	Procedure for Submitting Subdivisions
14-1-5	Technical Requirements for Preliminary Plats
14-1-6	Replat
14-1-7	Certified Survey Land Divisions
14-1-8	Design Standards—Streets
14-1-9	Design Standards—Block Design
14-1-10	Design Standards—Lots
14-1-11	Drainage System
14-1-12	Extra-Size or Off-Site Improvements
14-1-13	Non-Residential Subdivisions
14-1-14	Requirements and Design Standards for Public Improvements
14-1-15	Easements
14-1-16	Variations and Exceptions
14-1-17	Public Parks and Sites for Other Public Areas
14-1-18	Enforcement, Penalties and Remedies

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Boyceville does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to

foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry and providing for the most appropriate use of land in the Village.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Definitions.

- (a) The following definitions shall be applicable in this Chapter.
- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) **Arterial Street.** A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.
 - (3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (4) **Collector Street.** A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (5) **Commission.** The Plan Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes, if one is created.
 - (6) **Comprehensive Development Plan.** A comprehensive plan prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
 - (7) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (8) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.

- (9) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (10) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- (11) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all State laws.
- (12) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (13) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (14) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (15) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (16) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- (17) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (18) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (19) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (20) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (21) **Lot Width.** The width of a parcel of land measured along the front building line.
- (22) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (23) **Marginal Access Street.** A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (24) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties.

- (25) **Minor Subdivision.** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites.
- (26) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (27) **Pedestrian Pathway.** A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (28) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (29) **Preliminary Plat.** The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Village Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (30) **Protective Covenants.** Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (31) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (32) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (33) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (34) **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (35) **Wetlands.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.
- (36) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-3 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H 85 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (b) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Boyceville as well as the unincorporated area within one and one-half (1-1/2) miles of the corporate limits as provided in Sec. 236.10 and 62.32, Wis. Stats. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Permits.** No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

Sec. 14-1-4 Procedure for Submitting Subdivisions.

- (a) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Village Board for advice regarding general subdivision

requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(b) **Preliminary Plat Review Within the Village.**

- (1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Village Board at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Village Engineer for review and written report of their recommendations and reactions to the proposed plat.
- (2) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Clerk-Treasurer five (5) sets of general preliminary plans and specifications for the construction of any public improvements required by this Chapter.
- (3) **Property Owners Association.** The Village Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (4) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (5) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the preliminary plat:
 - a. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - b. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - c. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Village Board may require that the subdivider submit a

preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (6) **Referral to Other Agencies.** The Village Clerk-Treasurer shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
 - (7) **Drafting Standards.** The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.
- (c) **Preliminary Plat Approval Within the Village.**
- (1) The Village Board shall, within forty (40) days of the date the preliminary plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the Village Board to act within forty (40) days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the plat or map is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
 - (2) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat

shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Village Board at the time of its submission.

- (3) Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the hearing and fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

(d) **Final Plat Review.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file copies of the Plat and the application with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Village Board at which action is desired. The owner or subdivider shall file six (6) copies of the final plat not later than twelve (12) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.
- (2) The Village Clerk-Treasurer shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
- (5) The Village Clerk-Treasurer shall refer two (2) copies of the final plat to the Village Board, one (1) copy to the Engineer, and a copy each to the telephone and power and

- other utility companies. The abstract of title or registered property report shall be referred to the attorney for his examination and report. The Village Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the Village Engineer shall be made within thirty (30) days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Village Board. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Village Board.
- (6) The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.
- (e) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.
- (f) **Final Plat Approval.**
- (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (2) If the Final Plat is not submitted within twelve (12) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (3) The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer, 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. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk-Treasurer certifies on the fact of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (4) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (5) After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk-Treasurer 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 thirty (30) days from the date of last approval.

- (6) The subdivider shall file ten (10) copies of the Final Plat with the Village Clerk-Treasurer for distribution to the approving agencies and other affected agencies for their files.
- (g) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map.
- (h) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

Sec. 14-1-5 Technical Requirements for Preliminary Plats.

- (a) **General.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
 - (1) **Title** under which the proposed subdivision is to be recorded.
 - (2) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and under hardship would result from strict application thereof.
- (b) **Plat Data.** All preliminary plats shall show the following:
 - (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) **Locations of all Existing Property Boundary Lines,** structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Board, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.

- (15) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
 - (16) **Approximate Dimensions of All Lots** together with proposed lot and block numbers.
 - (17) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (18) **Approximate Radii of all Curves.**
 - (19) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (20) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (21) **Where the Village Board** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Submission.** The subdivider may consult with the Village Board regarding the requirements for minor subdivisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the Village.
- (d) **Proposed Layout.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- (e) **Requirements.** To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

Sec. 14-1-6 Replat.

- (a) 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 or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in Subsections (a) through (f) of Section 14-1-4.
- (b) The Village Clerk-Treasurer shall schedule a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the Village 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 two hundred (200) feet of the exterior boundaries of the proposed Replat.

Sec. 14-1-7 Certified Survey Land Divisions.

- (a) **Certified Survey Requirements.** When it is proposed to divide land into two (2) or no more than four (4) building sites, any one (1) of which is less than thirty-five (35) acres, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Sec. 236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** The subdivider is encouraged to first consult with the Village Board regarding the requirements for certified surveys before submissions of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the Village. The certified survey shall be reviewed, approved or disapproved by the Village Board pursuant to the procedures used for Preliminary Plats in Section 14-1-4, including notice and hearing requirements. The Village Board shall approve, conditionally approve and thereby require the submission of a corrected certified survey map, or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the applicant.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Sec. 236.34, Wis. Stats., the following:
- (1) **All Existing Buildings**, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Village Board and applicable zoning ordinances.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale.**
 - (6) **Name and Address** of the owner, subdivider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.
- (d) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Town Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Sec. 236.21(2)(a), Wis. Stats.
- (g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.

Sec. 14-1-8 Design Standards—Streets.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the official map of the Village.
- (c) **Sufficient Frontage.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (d) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to the Village's Comprehensive Development Plan and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- (e) **Areas Not Covered by Official Map.** In areas not covered by the Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

- (f) **Street Classifications.** Streets shall be classified as indicated below.
- (1) **Arterial Streets.** Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
 - (5) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
 - (6) **Alleys.** Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in non-multiple family residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- (g) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the Village of Boyceville must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
- (h) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (i) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.

- (k) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reverse frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (n) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.
- (o) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (p) **Street Grades.**
- (1) Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:
- Arterial streets: six percent (6%).
 - Collector streets: eight percent (8%).
 - Minor streets, alleys and frontage streets: ten percent (10%).
 - Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.
- The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).
- (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets and one-half (1/2) this minimum for all other streets.
- (q) **Radii of Curvature.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- Arterial streets and highways: five hundred (500) feet.
 - Collector streets: three hundred (300) feet.
 - Minor streets: one hundred (100) feet.
- (r) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to thirty (30) times the algebraic difference in grade for major thoroughfares and twenty (20) times this algebraic difference for all other streets.

- (s) **Half Streets.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.
- (t) **Intersections.**
- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Village Board considers it necessary.
 - (2) Provisions of the Zoning Code with respect to Traffic Visibility at street intersections shall also apply here.
 - (3) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (4) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- (u) **Alleys.**
- (1) Alleys shall be provided in all commercial and industrial districts, except that the Village Board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alleys shall connect with a major thoroughfare. Alleys in residential areas other than those zoned for multiple-family use shall not be permitted.
 - (2) Dead-end alleys are prohibited.
- (v) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Village Board.
- (w) **Street Design Standards.**
- (1) **Standards.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified in Section 14-1-14.
 - (2) **Cul-de-sacs.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty (40) feet.
 - (3) **Temporary Dead-ends or Cul-de-sacs.** All temporary dead-ends shall have a maximum length of eight hundred (800) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty (40) feet.
- (x) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip

at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 14-1-9 Design Standards—Block Design.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than five hundred (500) feet in length. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than twelve (12) feet wide, may be required by the Village Board through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Trees.** The Village Board may require that certain species of trees be planted on both sides of all streets. Street trees when planted shall not be less than sixty (60) feet apart with a minimum of one (1) per lot. They should preferably be placed six (6) to twenty (20) feet inside the property line rather than in the boulevard. The minimum size and type to be planted shall conform to the provisions of applicable ordinances.

Sec. 14-1-10 Design Standards—Lots.

- (a) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Lot dimensions and setbacks shall conform to the requirements of the Zoning Code for the appropriate district in which the property is located.
- (c) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.
- (d) Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width to permit building setback from both streets, as required by the Zoning Code.
- (f) Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the Village Board.
- (g) Side lot lines shall be substantially at right angles to or radial to abutting street lines.
- (h) In case a tract is divided into parcels of more than one and one-half (1-1/2) acres in areas, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (i) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (j) In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (k) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (l) In the case where a proposed plat is adjacent to a limited access highway, other major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

Sec. 14-1-11 Drainage System.

- (a) **Drainage System Required.** A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and

the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer.

(b) **Drainage System Plans.**

(1) The subdivider shall submit to the Village Engineer and Village Board a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
- b. Quantities of flow at each inlet or culvert.
- c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

(3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.

(4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.

(c) **Grading.** The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(1) The Village, at Village cost, shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(2) Block grading shall be completed by the subdivider, at his cost, by one (1) or more of the following methods:

- a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
- b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
- c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.

(d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

(1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No

storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.

- (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

Sec. 14-1-12 Extra-Size or Off-Site Improvements.

- (a) **Design Capacity.** All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- (b) **Extra-Size Improvements.** Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he is required to install to serve his subdivision. The additional costs which result from the extra-size improvement shall be paid for by the Village. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer, for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch utility and bill the Village for the difference in material costs between a twelve (12) inch and eighteen (18) inch sewer pipe.
- (c) **Off-Site Extensions.** When streets or utilities are not available at the boundary of the proposed subdivision, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
 - (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
 - (2) If the Village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall

be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

- (d) Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon the Village Board.

Sec. 14-1-13 Non-Residential Subdivisions.

(a) **General.**

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by the Comprehensive Plan, Official Map and Zoning Ordinance.

- (b) **Standards.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.

- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-14 Requirements and Design Standards for Public Improvements.

- (a) **General Requirements.** The following required improvements shall be installed in accordance with the standards of this Chapter and any additional engineering standards and specifications which have been adopted by the Village Board and filed with the Village Clerk-Treasurer. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.
- (b) **Guarantee for Installation of Required Improvements.**
- (1) **Payment for Installation of Improvements.** The required improvements to be furnished and installed by the subdivider, which are listed and described in this Chapter. The Village will be responsible, and pay the cost thereof, for new street and street sub-base construction, hydrants, and manholes; the subdivider will be responsible for, and pay the cost thereof, sewer and water utility extensions, curbs and gutters, lift stations and grinder pumps and drainage systems. For any project to be considered where there will be Village financial involvement, the plat must be approved by November 1st of the year preceding the beginning of construction in order to comply with budget process requirements; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Village. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
- (2) **Required Agreement Providing for Proper Installation of Improvements.**
- a. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct designated improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Village Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the Village in the vicinity.

- b. The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to the Engineer's estimate of the total cost of the improvements to be furnished under the contract and/or this Chapter, including the cost of inspection.
- c. On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the bond period for an additional period not to exceed two (2) years.
- d. The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Engineer after consultation with the subdivider.
- e. The subdivider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.

(c) **Procedure.**

- (1) **Construction Plans and Specifications.** Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the preliminary plat with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
 - a. **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - b. **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - c. **Storm Sewer and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - d. **Water Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.

- e. **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - f. **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - g. **Additional** special plans or information as required by Village officials.
- (2) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent Village design standards recommended by the Village Engineer and approved by the Village Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (3) **Construction and Inspection.**
- a. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
 - b. Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the preliminary plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension.
 - c. During the course of construction, the Village Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (4) **"As-Built" Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.
- (d) **Street, Alley and Sidewalk Improvements.** The Village shall construct streets and sidewalks pursuant to approved plans based on the requirements of this Code of Ordinances:

- (1) **Grading.** With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approved of the Village Board after receipt of the Village Engineer's recommendations. After approval of the street grades, the Village shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the Village shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the Village, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (2) **Street and Sidewalk Construction.**
 - a. After sanitary sewer, storm sewer and water utilities have been installed by the subdivider, the Village shall construct, and the subdivider shall dedicate as part of the subdivision, streets and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The Village shall surface roadways to the widths prescribed by the Village Board on recommendation of the Village Engineer. Construction shall be to Village standard specifications for street improvements. The subdivider shall pay the cost of curbs and gutters.
 - b. The Village Board shall have the option of not requiring the construction of sidewalks within street rights-of-way in cases where it determines, after consultation with the Village Engineer, that sidewalks are not necessary because of low density land use and low pedestrian volumes or for access to schools and bus routes or for continuity of existing sidewalk or bicycle route systems or because of a cul-de-sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.
- (3) **Completion of Street and Sidewalk Construction.**
 - a. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall first be approved by the Village Engineer and accepted by the Village Board.
 - b. The Village Engineer may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Engineer and shall be based upon the written request of the subdivider.

- (4) **Curb and Gutter.** When required by the Village Board, after the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (e) **Construction Standards.** All streets and highways constructed by the Village or to be dedicated to the Village shall fully comply with the following construction standards:
- (1) **Right-of-Way and Pavement Width.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component or official map or, if no width is specified therein, the minimum widths shall be as specified below. Cross-sections for freeways and parkways should be based upon detailed engineering studies.
- Major thoroughfares are those streets which have the greatest importance to the development of the Village and which are shown on the Official Map or have a width of right-of-way of not less than eighty-six (86) feet for a median divided roadway nor less than eighty-six (86) feet for a single roadway, as shown on Street Standards.
 - Collector-distributor streets are streets of somewhat less importance than major thoroughfares and which are shown on the Official Map or have a right-of-way width of not less than sixty-six (66) feet.
 - Local streets shall have a right-of-way width of not less than sixty (60) feet, except for short dead end streets which may be fifty (50) feet wide. They shall be provided with one (1) thirty-seven (37) foot wide pavement.
 - Alleys provided to serve business, commercial or industrial areas shall have a pavement of not less than sixteen (16) feet in width.
- (2) **Roadway Ditches.** Where curb and gutter is not required by the Village for rural cross-section streets, the minimum ditch slope shall be fifty one hundredths percent (0.50%).
- (3) **Roadway Base Thickness.**
- Residential streets shall have a minimum roadway base thickness of eight (8) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.

- c. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - d. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular of breaker-run material approved by the Village Engineer.
- (5) **Pavement Thickness.** Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers - a binder course and one and one-half (1-1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers - a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
- (6) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage", of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (7) **Driveway Culverts.** Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, be provided with concrete, metal or landscape timber endwalls, and shall comply with the provisions of Title 6, Chapter 2.
- (f) **Sanitary Sewerage System Design Standards.** There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board and/or sewerage district. The subdivider shall install adequate sanitary sewer facilities and connect them to sewer mains subject to specifications and inspection of the Village Engineer. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in

question as well as providing all sanitary sewer work within the subdivision. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than required to serve the area shall be borne by the Village, as agreed upon between the land owner and the Village Board prior to approval of the preliminary plat or certified survey map, pursuant to this Chapter. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The subdivider shall be responsible for the cost of sewer and water utility improvements, including lift stations and grinder pumps; the Village shall be responsible for the cost of installing manholes and hydrants.

- (g) **Water Supply System Design Standards.** There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The Village may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The Village shall be responsible for the cost of hydrants and manholes.
- (h) **Storm Water Drainage Facilities.** Pursuant to Section 14-1-10, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer. The subdivider shall pay all costs of all storm sewer work, except that the subdivider shall not be required to pay for any storm sewers that are required to bring the storm sewers to the subdivision nor shall they be required to install any storm sewers that are more than eighteen (18) inches in diameter.
- (i) **Other Utilities.** The subdividers shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.
- (j) **Street Lamps.** The Village shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.

- (k) **Street Signs.** The Village shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Village Board.
- (l) **Material Standards.** All improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.
- (m) **Improvements Complete Prior to Approval of Final Plat.** Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

Sec. 14-1-15 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate agencies of the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Village Board that easements and any

easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

Sec. 14-1-16 Variations and Exceptions.

- (a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Village Board in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.
- (b) The Village Board shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Comprehensive Plan or Zoning Code, if applicable, of the Village. A majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (d) The Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

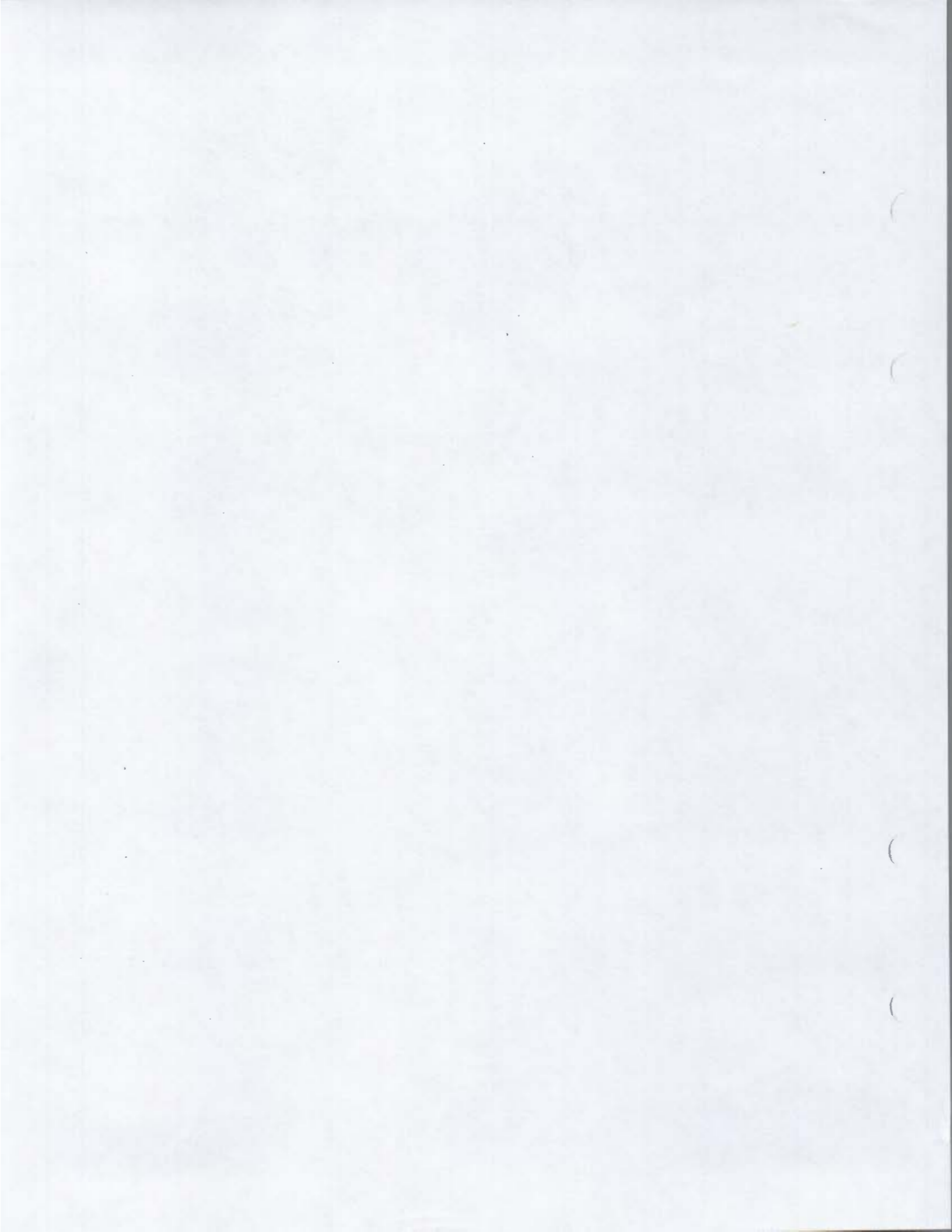
Sec. 14-1-17 Public Parks and Sites for Other Public Areas.

- (a) Suitable sites for public areas, such as but not limited to, parks, recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one (1) or more of the following manners:
 - (1) Dedication of eight percent (8%) of the total area of the subdivision.
 - (2) Transfer of ownership by deed to the Village of the areas of land equivalent to the requirements of paragraph one (1) above.
 - (3) Where the dedication of land under paragraphs one (1) or two (2) above would result in lands which would not be useful to the Village, the Village Board may stipulate to the owner some other equitable means for making a dedication or, in lieu thereof, a cash payment of One Hundred Dollars (\$100.00) per dwelling unit as each unit is sold or developed. Revenues received in such a manner shall be deposited in a special account and shall be used exclusively for public recreation in the Village.
- (b) When public parks and sites for other public areas, as shown on the Official Map, lie within the area proposed for development and are greater in area than required by Subsection (a)(1) above, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year.
- (c) The Village Board shall determine which land shall be dedicated. Land dedicated for drainageways is not a credit towards park dedication requirements.

Sec. 14-1-18 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b)
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.

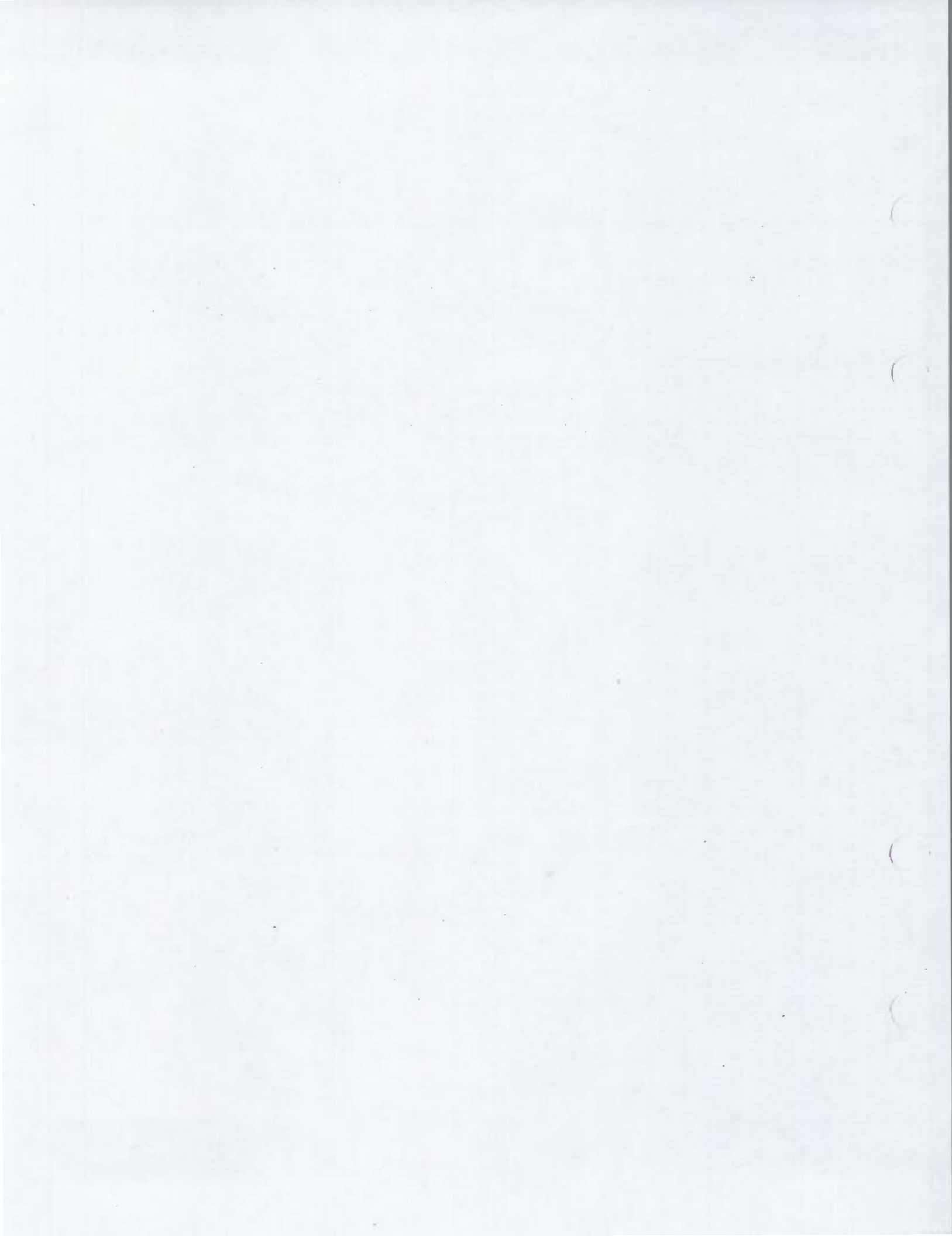
- (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.



TITLE 15

Building Code

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|------------------|---|
| Chapter 1 | Building Code |
| Chapter 2 | Construction Site Erosion Control |
| Chapter 3 | Fair Housing |
| Chapter 4 | Grievances Regarding Access to Public Buildings,
Programs, Services and Employment |
| Chapter 5 | Minimum Housing Code |



Chapter 5

Minimum Housing Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-5-5	Safe and Sanitary Maintenance of Property
15-5-6	Quantity, Location and Use of Space in Residential Buildings
15-5-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-5-8	Inspection
15-5-9	Designation of Unfit Dwellings and Legal Procedures Therefor
15-5-10	Enforcement, Service of Notices, and Orders and Hearings
15-5-11	Uniform Dwelling Code

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Boyceville Minimum Housing Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
- (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Adequate.** Adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
 - (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
 - (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
 - (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
 - (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
 - (6) **Boarding House.** See "Lodging House" and "Lodging Room."
 - (7) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
 - (8) **Capacity In Persons.** The maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
 - (9) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Village Board or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

- d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
 - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.
- (c) **Site Plan Approval.**
- (1) **Site Plan Approval.** All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Village Board in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Village Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - (2) **Administration.** The Building Inspector shall make a preliminary review of the application and plans and refer them along with a report of his findings to the Village Board. The Village Board shall review the application and may refer the application and plans to one (1) or more expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Village Board shall authorize the Building Inspector to issue or refuse a building permit.
 - (3) **Requirements.** In acting on any site plan, the Village Board shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

- b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. The landscaping and appearance of the completed site. The Village Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent of purposes of this Section.
- (4) **Effect on Municipal Services.** Before granting any site approval, the Village Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Village Board shall not issue the final approval until the Village has entered into an agreement with the applicant regarding the development of such facilities.
- (5) **Appeals.** Denials of building permits contingent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Village Clerk-Treasurer within ten (10) days of the denial.
- (d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Village Board.
- (e) **Utilities Required.**
- (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
 - (2) **Non-Residential Building.** No building permit shall be issued for the construction of any building other than residential until contracts have been let for the installation of sewer, water, grading and graveling in the streets necessary to service the property for which the permit is requested.
 - (3) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

- (f) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Village datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Industry, Labor and Human Relations. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter ILHR 20.09(4), Wis. Adm. Code.
- (g) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars (\$2,000.00).
 - (2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein valued at less than One Thousand Five Hundred Dollars (\$1,500.00), as determined by the Building Inspector, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (h) **Approval of Plans.**
- (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Village and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
 - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (i) **Notification.** The permit holder shall notify the Building Inspector when ready for the following inspections:
 - (1) Inspection of footings and foundation walls for conformance with plans and specifications. Underground plumbing may be inspected at this time, if ready.
 - (2) Inspection of rough-ins, including framing, energy, electrical, mechanical and plumbing, as they are ready and prior to being concealed.
 - (3) Inspection prior to pouring concrete floors for subgrade, drain tile, forms and underfloor building components.
 - (4) Inspection upon completion of project and prior to occupancy or use.
- (j) **Inspection Warrants.** If an Inspector is denied access to inspect a property, he may request the Village Attorney to seek an inspection warrant pursuant to Sec. 66.122, Wis. Stats.
- (k) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within eighteen (18) months from the date of issuance thereof.
- (l) **Revocation of Permits.**
 - (1) The Building Inspector or the Village Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
 - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

- (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
- (m) **Report of Violations.** Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
- (n) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted.

- (a) **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwellings in Chapters ILHR 20 through 25 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Village. A copy of these administrative code provisions and any future amendments shall be kept on file in the Village Clerk-Treasurer's Office.
- (b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:
- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
 - (2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Village Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) **Roof Coverings** — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.

- (5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

(c) **Definitions.**

- (1) **Addition.** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Department.** "Department" means the Department of Industry, Labor and Human Relations.
- (4) **Dwelling.** "Dwelling" means:
- Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) **Minor Repair.** "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) **One (1) or Two (2) Family Dwelling.** "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Person.** "Person" means an individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter ILHR 20	—	Administrative and Enforcement
Wis. Adm. Code Chapter ILHR 21	—	Construction Standards
Wis. Adm. Code Chapter ILHR 22	—	Energy Conservation Standards
Wis. Adm. Code Chapter ILHR 23	—	Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter ILHR 24	—	Electrical Standards
Wis. Adm. Code Chapter ILHR 25	—	Plumbing and Potable Water Standards

(d) **Method of Enforcement.**

- (1) **Certification.** The Village of Boyceville, as a community under two thousand five hundred (2,500) in population is not providing a Building Inspector certified for inspection purposes by the Department in each of the categories specified under ILHR

- 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
- (2) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
 - (3) **Records.** The Building Inspector shall keep a record of all applications for building permits in a book for such purpose and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector shall make an annual report to the Village Board relative to these matters.
 - (4) **Inspection Powers.** An authorized inspection official of the Village may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to such inspector while in performance of his duties.

Sec. 15-1-4 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters ILHR 50 through ILHR 64, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Village Clerk-Treasurer.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H 81, H 82, H 83 and ILHR 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Village. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
 - (1) Wis. Adm. Code ILHR 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

- (d) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Village shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 New Methods and Materials.

- (a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Industry, Labor and Human Relations for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Industry, Labor and Human Relations. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Industry, Labor and Human Relations.

Sec. 15-1-6 Unsafe Buildings.

Whenever the Building Inspector or Village Board find any building or part thereof within the Village to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

Sec. 15-1-7 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village of Boyceville. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions

of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-8 Garages.

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

Sec. 15-1-9 Regulation and Permit for Razing Buildings.

- (a) No building within the Village of Boyceville shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (b) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-10 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way

as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.

- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Village Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

Sec. 15-1-11 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Village and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Storm Sewer Lateral.** Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Village to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- (f) **Conducting Tests.** If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this Chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

Sec. 15-1-12 Duplex Service Connections.

Each unit of a duplex shall have a separate water and sewer services.

Sec. 15-1-13 Regulations for Moving Buildings.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the Village without first obtaining a permit therefor from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - (2) A report shall be made by Village employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Village, shall be paid to the Village Clerk-Treasurer prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Village Board.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or

so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Village Board, the Village shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) **Conformance with Code.** No permit shall be issued to move a building within or into the Village and to establish it upon a location within the said Village until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Village to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.
- (e) **Bond.**
 - (1) Before a permit is issued to move any building over any public way in the Village, the party applying therefor shall give a bond to the Village of Boyceville in a sum to be fixed by the Building Inspector and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Village Board or designated agent conditioned upon, among other things, the indemnification to the Village for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Village in connection therewith arising out of the removal of the building for which the permit is issued.
 - (2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by

Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (f) **Insurance.** The Building Inspector shall require, in addition to said the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

Sec. 15-1-14 Fees.

The fee for all building permits shall be as established by resolution of the Village Board. If work commences prior to obtaining a building permit, double fees will be charged.

Sec. 15-1-15 Severability.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Sec. 15-1-16 Penalties and Violations.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Village Board and Village Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Village officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
- (b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30)

days after written notification unless an extension of time is granted pursuant to Sec. ILHR 20.10(1)(c), Wis. Adm. Code.

- (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has runs shall constitute a separate offense. Nothing in this Chapter shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Village of Boyceville charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Village until the final determination of the proceedings therein.

Chapter 2

Construction Site Erosion Control

15-2-1	Authority
15-2-2	Findings and Purpose
15-2-3	Applicability of Regulations
15-2-4	Definitions
15-2-5	Design Criteria, Standards and Specifications for Control Measures
15-2-6	Maintenance of Control Measures
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15-2-8	Permit Application, Control Plan and Permit Issuance
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15-2-10	Enforcement
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Sec. 15-2-1 Authority.

This Chapter is adopted pursuant to the guidelines in Sec. 62.2345, Wis. Stats.

Sec. 15-2-2 Findings and Purpose.

- (a) **Policy Declaration.** The Village Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the Village of Boyceville.
- (b) **Purpose.** It is the purpose of this Chapter to preserve the natural resources; to protect the quality of the waters of the State and Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharge from construction sites to lakes, streams and wetlands. The Village Board finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the Village. It is, therefore, declared to be the purpose of this Chapter to control and, if possible, prevent soil erosion and minimize water runoff increases and, thereby, to preserve the natural resources, control floods, and prevent impairment of dams and reservoirs, protect the quality of public waters and wetlands, prevent property damage, preserve wildlife, protect the tax base and protect and promote the health, safety, and general welfare of the

people of the Village of Boyceville. This Chapter is in accordance and consistent with the Village's Zoning Code, so far as practicable.

Sec. 15-2-3 Applicability of Regulations.

- (a) **Scope of Coverage.** This Chapter applies to land disturbing and land developing activities on land within the boundaries and jurisdiction of the Village and the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State funded or conducted construction is exempt from this Chapter. This Chapter shall apply outside the Village limits within the extraterritorial plat review area provided by Chapter 236, Wis. Stats., and Title 15 of the Village Code of Ordinances, but only to those land disturbing activities relating to, arising from, or connected with a subdivision as defined in Sec. 236.02(12), Wis. Stats.
- (b) **Exclusions.** The following activities are generally excluded from coverage under this Chapter:
- (1) State funded or conducted activities that are subject to the State Site Erosion Control and Stormwater Runoff Plan.
 - (2) Agricultural land uses as defined in this Chapter and quarries, except where the Village Board, Village Engineer or Building Inspector determine that erosion or runoff from such agricultural or quarry uses is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.
 - (3) Small land disturbing activities such as gardens, minor landscaping modifications and minor repair of sidewalks, paths or driveways, except where the Village Board, Village Engineer or Building Inspector determine that erosion or runoff is likely to occur which will threaten watercourses or other environmentally sensitive areas unless control measures are taken.

NOTE: State funded or conducted construction activities must meet the requirements contained in the "State Plan for the Control of Construction Erosion and Stormwater Runoff", which contains similar requirements as contained in this Chapter, as a minimum.

Sec. 15-2-4 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Agricultural Land Use.** Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.
 - (2) **Building Inspector.** The building inspectors of the Village of Boyceville.

- (3) **Commercial Land Use.** Use of land for the retail or wholesale sale of goods or services.
- (4) **Control Measure.** A practice or combination of practices to control erosion and attendant pollution.
- (5) **Control Plan.** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant for review and approval by the Building Inspector and/or Village Engineer.
- (6) **Erosion.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.
- (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
- (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man/woman to a new location and shall include the conditions resulting therefrom.
- (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- (10) **Land Developing Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- (11) **Land Disturbing Activity.** Any change to the land surface which may result in soil erosion, sedimentation or increase in water runoff, including but not limited to tilling, removal of vegetative cover, stockpiling of soil, grading, excavating, livestock grazing and filling of land.
- (12) **Land Disturbing Construction Activity.** Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading but not including, agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.
- (13) **Landowner.** Any person holding title to or having any interest in land.
- (14) **Land Treatment Measures.** Structural or vegetative practices (including fencing) used to control erosion, sediment and water runoff.
- (15) **Land User.** Any person who uses land collectively or individually as owner, operator, lessor or renter, or who occupies land by providing work or service that requires alteration of the land, or any person who has made other arrangements with a landowner which gives them the right and/or responsibility for use of the land.
- (16) **Major Land Disturbing Activities.** Those activities where the land disturbance covers one or more acres, where a subdivision (as defined by Chapter 236, Wis. Stats.) is created, or where the Village Board, Plan Commission, Village Engineer or Building Inspector determines that special circumstances due to topography, proximity to watercourses or relation to sensitive environmental area make the disturbance a major one.

- (17) **Minor Land Disturbing Activities.** Those activities where the land disturbance covers less than one (1) acre and the activities do not otherwise fall within the definition of major land disturbing activities.
- (18) **Parcel.** All continuous lands under the ownership or control of a land occupier or land user.
- (19) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.
- (20) **Person.** Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government or any combination thereof.
- (21) **Public Lands.** All lands owned or controlled by any unit of government.
- (22) **Runoff.** Includes, but is not limited to, ice or water flowing over the ground surface.
- (23) **Sediment.** Solid material, mineral or organic, that is in suspension, is being transported to, or has been moved from, its site of origin by air, water, gravity or ice and has come to rest or has been deposited on the earth's surface at another location.
- (24) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources, or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually resulting from a decrease in the velocity of the water flow.
- (25) **Set of 1 Year Design Storms.** The following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately one per year. The following are typical characteristics of these one year storms for most of Wisconsin.

Storm Duration (Hours)	Rain Intensity (Inches/Hour)	Average Total Rain (Inches)
0	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (26) **Site.** The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.
- (27) **Soil Loss.** Soil removed from a given site by land disturbing activities or by the forces of erosion, and redeposited at another site.
- (28) **Storm Frequency.** The average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (29) **Storm Sewer.** A closed conduit for conducting collected storm water.

- (30) **Stormwater Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the ground surface or collected in a water drainage system.
- (31) **Structural Measures.** Land treatments intended to prevent erosion, sediment or runoff that include, but are not limited to, gully control structures, grass waterways, riprap, detention basins or ponds, sediment basins or ponds, flood retention dams, diversions, and lining channels with rock concrete or other materials. Contour strip cropping is not considered a structural measure under this Chapter.
- (32) **Water Drainage Facility.** Any element in a water drainage system which is made or improved.
- (33) **Water Drainage System.** All facilities used for conducting runoff to, through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, reservoirs, detention basins or ponds, storm sewers, streets, and pumping stations.
- (34) **Working Day.** Monday, Tuesday, Wednesday, Thursday or Friday, excluding, however, any such day officially observed by the Village as a legal holiday. Also referred to as "business day".

Sec. 15-2-5 Design Criteria, Standards and Specifications for Control Measures.

All control measures required to comply with this Chapter shall be measures based on accepted design criteria, standards and specifications periodically established by the United States Soil Conservation Service, Wisconsin Department of Natural Resources or otherwise identified as acceptable by the Building Inspector or Village Engineer. Where design criteria, standards or specifications conflict, the most restrictive provisions shall apply.

Sec. 15-2-6 Maintenance of Control Measures.

All sedimentation basins and other control measures necessary to meet the requirements of this Chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

Sec. 15-2-7 Required Control of Erosion and Pollutants During Land Disturbance and Development.

- (a) **Applicability.** This Section applies to the following sites of land development or land disturbing activities:

- (1) Those sites requiring certified survey map approval or subdivision or land division plat approval under Village land division ordinances.
- (2) Those sites involving the construction of buildings or other improvements on lots of approved certified surveys, land division plats or subdivision plats.
- (3) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of four thousand (4,000) square feet or more.
- (4) Those involving excavation or filling or a combination of excavation and filling affecting four hundred (400) cubic yards or more of dirt, sand or other excavation or fill material.
- (5) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
- (6) Those involving the laying, repairing, replacing, inspecting or enlarging of an underground pipe or facility for a distance of three hundred (300) feet or more.
- (7) Those sites involving the changing, enlargement, dredging or other alteration to any watercourse, waterway and/or wetlands.
- (8) Those other situations where the Village Engineer or Building Inspector, at the request of the Village Board, determine that erosion or runoff is likely to occur unless control measures are taken.

NOTE: The above applicability criteria are specifically stated in 1983 Wisconsin Act 416 for inclusion in this Chapter. Utility companies responsible for energy repair work should enter into a "memorandum of agreement" with the Village clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.

- (b) **Minimum Erosion and Runoff Control Standards to be Met.** At a minimum, the erosion and runoff control standards listed below must be met on all sites described in Subsection (a) above. Additional or more stringent control standards may be required in those situations where the Village Engineer and/or Building Inspector determines that special circumstances due to topography, proximity to watercourses or environmentally sensitive areas justify additional or more stringent controls. The permittee is responsible for obtaining compliance with the required standards. In cases where no permit has been issued, the landowner is responsible for obtaining compliance with the required standards:
- (1) **Site De-Watering.** Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate control measures. Such sedimentation basins shall have a depth of at least three (3) feet, be surrounded by snowfence or equivalent barrier and have sufficient surface area to provide a surface settling rate of not more than one thousand five hundred (1,500) gallons per square foot per day at the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site, a neighboring site, or the bed or banks of the receiving

water. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of one hundred (100) microns or greater for the highest dewatering pumping rate.

NOTE: There are several ways to meet this particle size performance objective, depending on the pumping rate. As an example, if the pumping rate is very low (1 gal/min), then an inclined or vertical enlargement pipe (about 8" in diameter for 1 gal/min) several feet long would be an adequate control device to restrict the discharge of one hundred (100) micron, and larger, particles. As the pumping rate increases, then the "device" must be enlarged. At a moderate (100 gal/min) pumping rate, a vertical section of corrugated steel pipe, or concrete pipe section, or other small "tank" (about 4-1/2 feet across for a 100 gal/min pumping rate) several feet tall would be adequate. With these pipe sections or small tanks, inlet baffles would be needed to minimize turbulence. With very large pumping rates (10,000 gal/min), sediment basins (about 35 feet in diameter for a pumping rate of 10,000 gal/min) at least three (3) feet in depth with a simple (but adequately sized) pipe outlet would be needed. More sophisticated control devices (such as swirl concentrators or hydro-cyclones) could be specially fabricated that would generally be smaller than the simple sedimentation devices described above, but they would not be required.

- (2) **Waste and Material Disposal.** All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (3) **Tracking.** Each site shall have a three (3) inch graveled entrance pad of sufficient width and length to prevent sediment from being tracked into public or private roadways. Sediment reaching a public or private road shall be removed by street cleaning (not hydraulic flushing) before the end of each workday.
- (4) **Drain Inlet Protection.** All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
- (5) **Channelized Runoff.** Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas.
- (6) **Sequenced Activities.** All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time and the amount of soil leaving the site.
- (7) **Stabilized Disturbed Ground.**
 - a. All disturbed ground and soil or dirt storage piles shall be contained on the site by filter barriers or other suitable means. The containment measures shall remain

in place until the site is adequately stabilized. All disturbed ground left inactive for seven (7) or more days shall be stabilized by seeding or sodding (only available prior to September 15th) or by mulching, filter barriers or covering, or other equivalent control measure.

- b. For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one (1%) percent of the area draining to the basin and at least three (3) feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin shall be designed to trap sediment greater than fifteen (15) microns in size, based on the set of one (1) year design storms having durations from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - c. For sites with less than ten (10) acres disturbed at one time, filter fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
- (8) **Filter Fences, Straw Bales on Slopes.** Filter fences, straw bales, or equivalent control measures shall be placed continuously along all sideslope and downslope sides of the site where deemed appropriate by Village officials. If a channel or area of concentrated runoff passes through the site, filter barriers shall be placed continuously along the channel edges to reduce sediment reaching the channel.
- (9) **Soil Storage Piles.** Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty-five (25) feet to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage piles located closer than twenty-five (25) feet of a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days, and the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.
- (c) **Additional Erosion and Runoff Control Standards to be Met on Larger Sites.** These control standards are in addition to the minimum control standards as set forth in Subsection (b), and thus include, but are not limited to, all sites involving land divisions, subdivisions or certified survey maps (where land divisions, subdivisions or certified survey maps involve either one (1) or more acres or create five (5) or more lots or building sites), or all sites where one (1) or more acres are disturbed at a time, where special circumstance due to topography, proximity to watercovers or relation to environmentally sensitive lands

make the disturbance a major one, shall meet the added control plan requirements as set up by the Village Engineer or Building Inspector. These requirements may include required public dedication of water runoff control measures. The permittee is responsible for obtaining compliance with the control plan requirements. Informal guidelines for the control plan for a major land disturbing activity are hereto attached and incorporated herein as a part of this Chapter as an addendum.

- (d) **Special Circumstances.** The control standards set forth in this Chapter are intended to apply on a typical development site. When land disturbing and/or development activity is proposed for a site with extraordinary features, the Village Board, at its discretion, will require additional and/or more restrictive control standards and measures before any control plan is approved or permit is issued. Extraordinary sites include, but are not limited to, sites where land disturbing or development activities are proposed to occur on slopes of more than twenty percent (20%) grade in designated floodplain, wetland, or conservancy areas or in environmental corridor areas identified in the Village Master Plan.
- (e) **Erosion and Runoff Control by Public Dedication of Water Runoff Control.** The Village Board may require dedication of water runoff control measures. When such dedication is required, the dedicated land may also be utilized for parkland and for recreational use. Once dedicated and accepted, the Village shall maintain the runoff control measures as necessary to adhere to this Chapter and any other applicable laws or contracts. The potential costs of maintaining proposed runoff control measures will be among the criteria considered in both accepting or rejecting an entire "Erosion and Runoff Control Plan" for the areas and determining whether or not to require dedication to the Village of and/or all runoff control measures. In the event that the Village does not require dedication of any water runoff control measures, the continued maintenance of such measures shall be assured through such means as deed restrictions, easements or a contract with the Village.

Sec. 15-2-8 Permit Application, Control Plan, and Permit Issuance.

- (a) **Permit Application.** No landowner or land user, other than the Village, may commence a land disturbance or land development activity subject to this Chapter without receiving prior approval of a control plan for the site and a permit from the Village Engineer. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this Chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector or Village Engineer. By submitting an application, the applicant is authorizing the Building Inspector, Village Engineer and other designated Village officials to enter the site to obtain information required for a review of the control plan.
- (b) **Content of the Control Plan for Land Disturbing Activities.**
 - (1) **Existing Site Map.** A map of existing site conditions on a scale of at least one (1) inch equals one hundred (100) feet showing the site and immediately adjacent areas:

- a. Site boundaries of adjacent lands which accurately identify site location;
 - b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site. (Note: The local unit of government should identify sensitive local waters that may need to be further addressed by the control plan.);
 - c. 100 year floodplains, flood fringes and floodways;
 - d. Vegetative cover;
 - e. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site;
 - f. Locations and dimensions of utilities, structures, roads, highways, and paving; and
 - g. Site topography at a contour interval not to exceed five (5) feet.
- (2) **Plan of Final Site Conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes.
- (3) **Site Construction Plan.** A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities;
 - b. Locations and dimensions of all temporary soil or dirt stockpiles;
 - c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this Chapter;
 - d. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this Chapter; and Provisions of maintenance of the construction site control measures during construction.
 - e. Provisions of maintenance of the construction site control measures during construction.
- (c) **Emergency Situations.** Notwithstanding the above, a private landowner or the Village may commence land disturbing activity without an approved control plan where immediate action is necessary in order to respond to an existing or threatened emergency situation. When such emergency activity is undertaken, care will be taken to comply with the erosion and runoff control standards set forth in this Chapter to the fullest extent practicable under the circumstances. The Building Inspector or Village Engineer shall be notified by the private landowner within three (3) hours after commencing such land disturbing activities under this Section.
- (d) **Minor Land Disturbing Activities — Content of Control Plan Statement.** Minor land disturbing activities are all those activities other than those deemed to be major land disturbing activities. For minor land disturbing activities, an erosion control plan (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule). These documents will be used to meet the requirements of this Chapter.
- (e) **Review of Major and Minor Land Disturbing Control Plans.**
- (1) **Major Land Disturbing Activities.** Within forty-five (45) days of receipt of a completed control plan, the Village Engineer and Building Inspector shall determine

if the requirements of this Chapter are met. The applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

- (2) **Minor Land Disturbing Activities.** Control plan statements for minor land disturbing activities shall be reviewed by the Building Inspector for compliance with this Chapter. The Building Inspector shall approve, reject or conditionally approve the plan within the same number of working days as required for issuance of a building permit, but in no event more than ten (10) working days after receipt of the completed control plan statement. If the control plan statement is rejected or conditionally approved, the applicant shall be informed, in writing, of the reasons for rejection or conditions of approval.

(f) **Permits.**

- (1) **Duration.** Permits shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector or Village Engineer may extend the period one or more times for up to an additional one hundred eighty (180) days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this Chapter.
- (2) **Permit Fees — Major Land Disturbing Activities.** The application fee for a major land disturbing activity permit shall be Twenty Dollars (\$20.00). In addition to this fee, before any permit will be issued, the applicant shall pay the actual engineering fees or expenses incurred by the Village in connection with review of the control plan and the engineering fees or expenses estimated to be incurred for on-site inspection during the project. These additional charges shall be determined by the Building Inspector and Village Clerk-Treasurer.
- (3) **Permit Fees — Minor Land Disturbing Activities.** The application fee for a minor land disturbing activity permit shall be Ten Dollars (\$10.00), except where a building permit fee is paid in connection with the same activity, then a fee of Five Dollars (\$5.00) shall be paid in order to obtain the necessary land disturbing activity permit.

(g) **Permit Requirements — Major Land Disturbing Activity.** All Major Land Disturbing Activity Permits shall require the permittee to do at least the following:

- (1) The applicant shall provide the Village, prior to issuance of the permit, and irrevocable letter of credit, certificate of deposit or certified check to the Village in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required control measures as determined by the Village Engineer and/or Building Inspector. The security deposited shall guarantee that all required control measures will be taken or installed according to the approved plan. The security shall remain in full force for the entire period of the permit unless released earlier by the Village. The Village shall have the right to draw upon the security for the purposes of obtaining compliance with the approved Control Plan as it deems necessary. If the erosion and runoff control requirements of this Chapter are included as part of plat or certified survey map conditions of approval, then security for performance of the

control requirements may be included as part of the overall security required for installation of improvements under this Code of Ordinances.

- (2) Contact the Building Inspector upon completion of any control measures and at least two (2) business days prior to commencing any land disturbing activity.
 - (3) Obtain written permission from the Village Engineer or Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
 - (4) Install all control measures as identified in the Control Plan.
 - (5) Maintain all control measures as identified in the Control Plan.
 - (6) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (7) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (8) Allow the Building Inspector, Village Engineer, or other designated Village officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.
 - (9) Keep a copy of the approved Control Plan on site.
- (h) **Permit Requirements — Minor Land Disturbing Activity.** All Minor Land Disturbing Activity Permits shall require the permittee to:
- (1) Obtain permission in writing from the Building Inspector prior to modifying the Control Plan. They are authorized to permit only those modifications that comply with the terms of this Chapter.
 - (2) Install all control measures as identified in the approved Control Plan.
 - (3) Maintain all control measures as identified in the Control Plan.
 - (4) Repair any damage to adjoining surfaces and drainageways resulting from any land developing or disturbing activities on the permitted site.
 - (5) Inspect the control measures after each rain of 0.5 inches or more and make needed repairs immediately.
 - (6) Allow the Building Inspector, Village Engineer, and other designated Village officials to enter the site for the purpose of inspecting for compliance with the Control Plan or for performing any work necessary to bring the site into compliance with the Control Plan and this Chapter.

Sec. 15-2-9 Inspection.

- (a) The Village Engineer, Building Inspector or other designated Village officials shall inspect all Major Land Disturbing activities in order to ensure compliance with the Control Plan and permit.
- (b) In the case of Minor Land Disturbing activities, the Building Inspector shall inspect sites in order to ensure compliance with the Control Plan and permit.

- (c) If the land disturbing or land development activities are being carried out without a valid permit, i.e., unauthorized, Village inspection officials may enter the land in question pursuant to the special inspection warrant provisions of Sections 66.122 and 66.123, Wis. Stats.

Sec. 15-2-10 Enforcement.

- (a) **Violations.** No land development or land disturbing activities within the scope of this Chapter may occur without full compliance with the provisions of this Chapter. Any person who violates or fails to comply with any provision of this Chapter is subject to the enforcement and penalty provisions contained herein.
- (b) **Enforcement.** This Chapter shall be enforced consistent with the policies and purposes underlying its adoption. The following enforcement actions, or any combination thereof, may be taken in case of a violation of this Chapter:
- (1) **Stop Work Order.**
 - a. A stop work order may be issued by the Village Engineer, Building Inspector, or their authorized agents, after an inspection if:
 1. Any land disturbing or land developing activity regulated under this Chapter is being undertaken without a permit;
 2. The Control Plan is not being implemented in a good faith manner;
 3. The conditions of the Permit are not being met.
 - b. Stop work orders may be retracted when compliance with the Chapter is obtained. The Village Engineer, Village Board, Building Inspector or their designee has the authority to retract a stop work order for Major Land Disturbing activities; the Building Inspector, Village Engineer and their designees, may retract stop work orders on Minor Land Disturbing activities.
 - (2) **Revocation of Permit.** Where a stop work order has been issued in order to obtain compliance with a Control Plan, the Village may revoke the Permit if the permittee does not cease the illegal activity or obtain compliance with the Control Plan or Permit conditions within five (5) days from issuance of the Stop Work Order.
 - (3) **Village to Perform Work.** Five (5) days after posting a stop work order, the Village may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform work necessary to comply with this Chapter. Upon receipt of permission from the landowner or pursuant to a court order, the Village Engineer and/or other designated Village officials or agents, as determined by the Village Board, may go on the land and commence the work. The costs of the work performed by the Village, plus interest, shall be billed to the permittee or the landowner or may be recovered out of any security posted for such purpose. In the event a permittee or landowner otherwise fails to pay the amount due, the Village Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.60, Wis. Stats.

- (4) ***Injunction and Other Judicial Remedies.*** Compliance with the provisions of this Chapter may also be obtained by the Village Board authorizing the Village Attorney to commence appropriate action to enjoin violations, compel compliance, or pursue other appropriate judicial relief.
 - (5) ***Private Remedies Preserved.*** These enforcement provisions are not intended in any way to restrict or limit the rights of private parties to pursue whatever private legal remedies they may have available as a result of any erosion, sediment or water runoff.
- (c) **Penalties.** Any person violating any provision of this Chapter shall be subject to a forfeiture as provided in Section 1-1-6. Each day a violation exists shall constitute a separate offense. Before commencing a forfeiture action, the Village shall issue a written warning to the person believed to be violating the Chapter, granting the person two (2) business days in which to remedy the violation and avoid the commencement of a forfeiture action.

Sec. 15-2-11 Appeals; Variances.

(a) **Appeal or Variance Requests.**

- (1) ***By Applicant or Permittee.*** Any aggrieved applicant, permittee or land user may appeal any order, decision, determination or inaction of the Village in administering or enforcing this Chapter, or may apply for a variance from the requirements of this Chapter. A Twenty-five Dollar (\$25.00) filing fee must accompany the appeal or variance request. Appeal or variance requests must be submitted in writing, state the grounds for the appeal or variance request, and be filed with the Village Clerk-Treasurer. Publication and other associated costs will be in addition to this fee and paid by the applicant.
- (2) ***Appeal By Citizens.***
 - a. An appeal of any order, decision, determination or inaction of the Village in administering or enforcing this Chapter may be commenced upon the filing of a petition signed by twenty-five (25) adult residents of the Village and payment of a Fifty Dollar (\$50.00) fee to cover the cost of the appeal.
 - b. The appeal must be filed with the Village Clerk-Treasurer and shall state written grounds for the appeal. A copy of any citizen appeal shall be delivered or mailed to the applicant or permittee by the Village Clerk-Treasurer within five (5) business days of its filing with the Village. The filing of a citizen appeal, by itself, does not prohibit the commencement or continuation of any work or activity.
- (3) ***Appeal Deadline.*** Appeals by applicants, permittees or citizens must be filed within forty-five (45) days of the order, decision, determination or inaction being appealed.
- (4) ***Multiple Appeals Prohibited.*** Once an appeal has been filed on a matter, no other appeal on the same order, decision, determination or inaction will be allowed. The

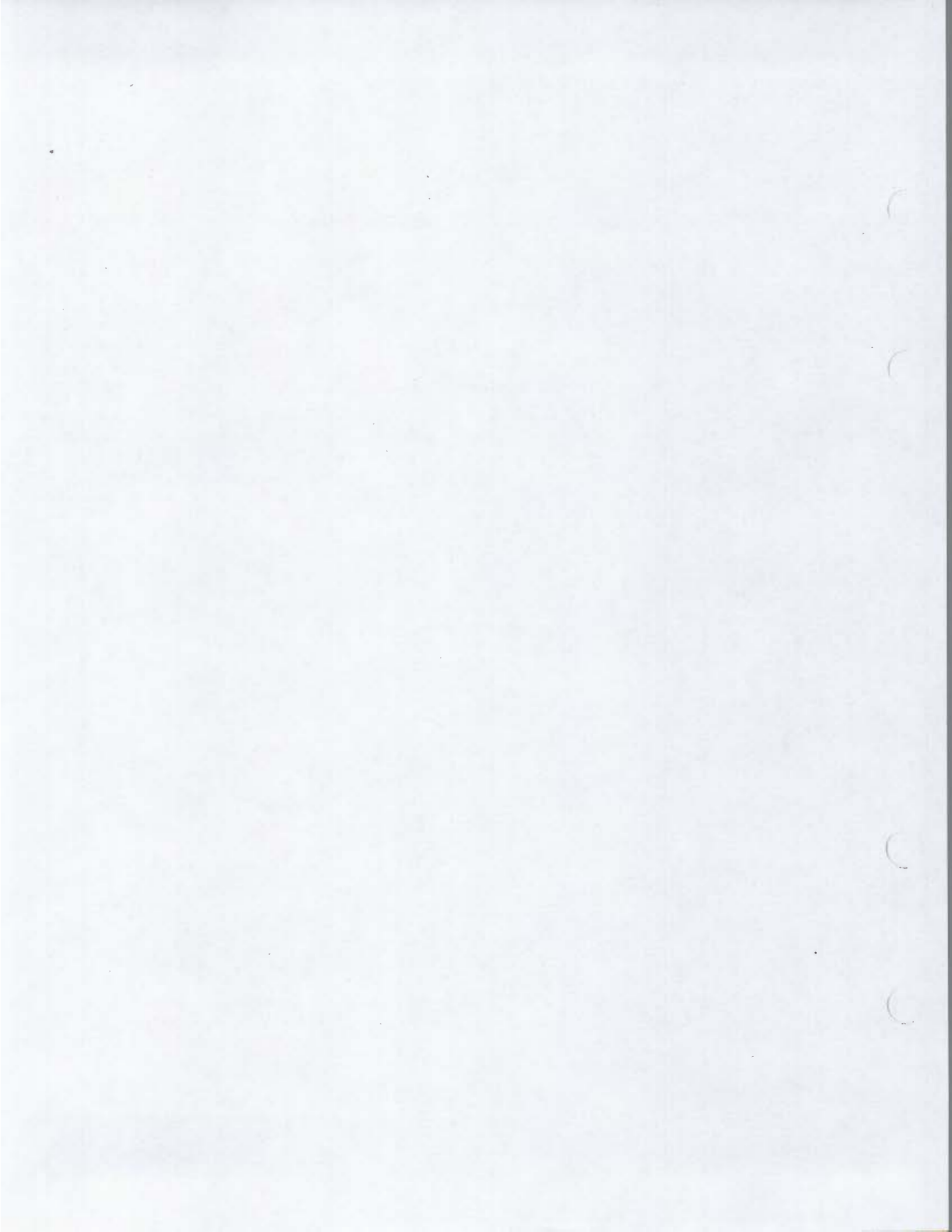
Board of Appeals shall consolidate appeals wherever possible to avoid a multiplicity of appeal proceedings and to hasten the final resolution of a matter. The Board of Appeals may allow additional parties to join a pending appeal where appropriate and where such addition will not delay the proceedings.

(b) **Authority.**

(1) **Authority to Grant Variances.** The Board of Appeals shall decide all variance requests in accordance with the provisions of this Code of Ordinances. The Board of Appeals shall only grant such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter is impracticable or otherwise unreasonable or demonstrated to be unnecessary. Such variances may be granted only when the Board of Appeals has been presented with satisfactory proof that the variance will achieve compliance results comparable to those set forth in this Chapter.

(2) **Appeals.** The Board of Appeals shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by Village officials in administering this Chapter. The Board of Appeals shall use the rules, procedures, duties and powers authorized by Village ordinance and statute for the Board of Appeals in hearing and deciding appeals and authorizing variances. The Board of Appeals shall hear and decide within thirty (30) days of receipt of the written request and payment of the appeal fee, unless an extension is agreed upon by the Appellant and Board of Appeals. The procedures utilized by the Board of Appeals shall be as prescribed in the Village Zoning Code.

(c) **Enforcement Not Stayed.** The filing of an appeal or variance does not preclude the Village from commencing or continuing any of the enforcement actions set forth herein or a forfeiture proceeding set forth in this Chapter unless the Village Board specifically agrees to stay such enforcements.



Chapter 3

Fair Housing

15-1-1	Statement on Fair Housing
15-3-2	Definitions as Used in This Chapter
15-3-3	Unlawful Practices
15-3-4	Exemptions
15-3-5	Enforcement

Sec. 15-3-1 Statement on Fair Housing.

- (a) **Statement of Fair Housing.** It is the declared policy of the State of Wisconsin that all persons shall have an equal opportunity for housing;
- (b) **State Statutes Adopted.**
1. *Adopted by Reference.* The statutory provisions of Wis. Stats. §106.50, as amended, and all subsequent amendments thereto, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.
 2. *Implementation.* The officials and employees of the Village of Boyceville shall assist in the orderly prevention and removal of all discrimination in housing within the Village of Boyceville by implementing the authority and enforcement procedures set forth in Wis. Stats. §106.50 as amended.
 3. *Assistance with Filing Complaints.* The Village Clerk shall maintain forms for complaints to be filed under Wis. Stats. §106.50, as amended, and shall assist any person alleging a violation thereof in the Village of Boyceville to file a complaint thereunder with the Wisconsin Department of Workforce Development, Equal Rights Division, for enforcement of Wis. Stats. §106.50, as amended.

Sec. 15-3-2 Definitions as Used in This Chapter.

- (a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.
- (b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.
- (c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.
- (d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.
- (E) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

- (f) **Owner.** Lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
- (g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.
- (h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.
- (i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.
- (j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.
- (k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

Sec. 15-3-3 Unlawful Practices.

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Village for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

- (a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

- (c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or
- (g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or
- (h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:
 - (1) The lowering of property values in the area;
 - (2) An increase in criminal or antisocial behavior in the area; or
 - (3) A decline in the quality of schools serving the area.
- (i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Village for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or
- (j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or
- (k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified,

assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

- (l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or
- (m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or
- (n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or
- (o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or
- (p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

Sec. 15-3-4 Exemptions.

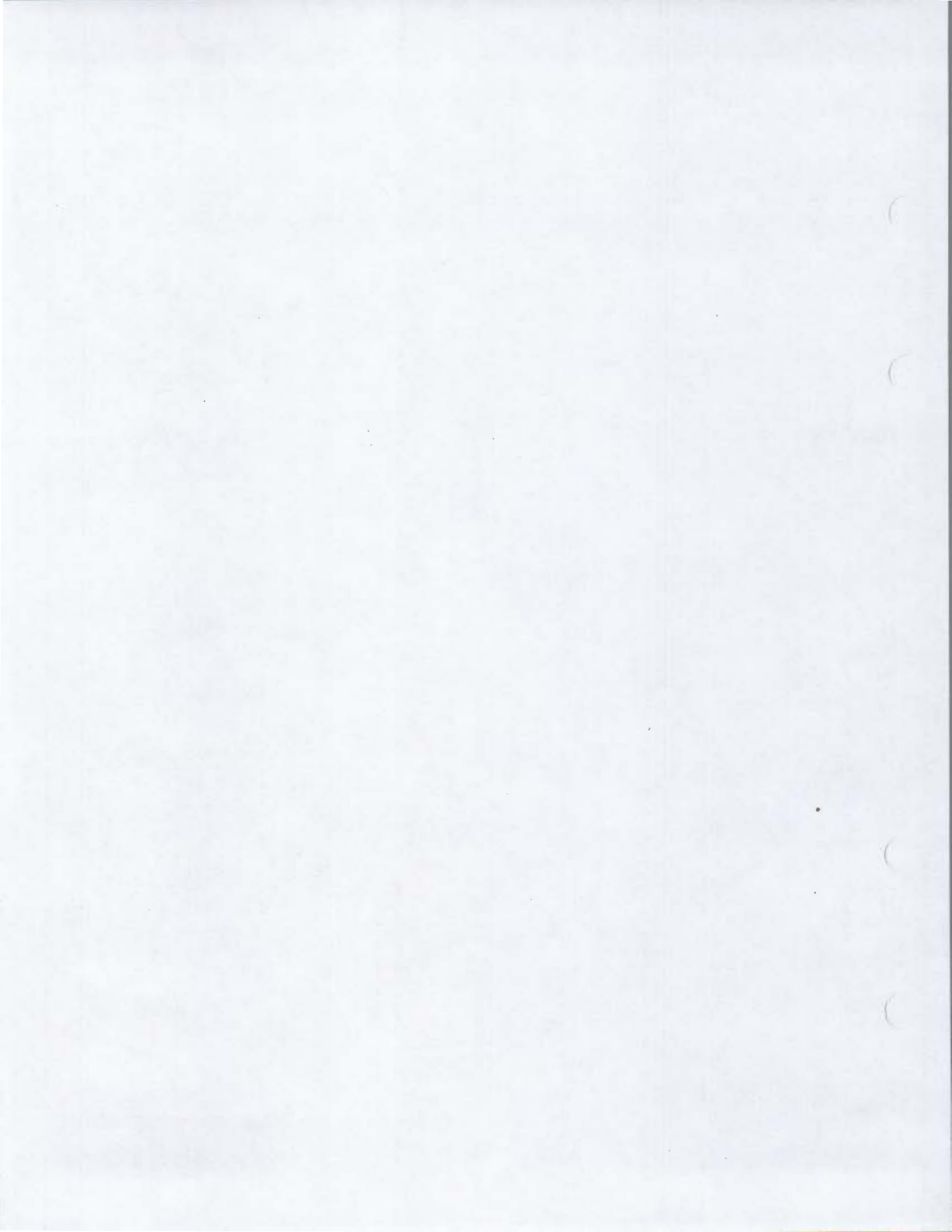
This Chapter shall not apply to:

- (a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.
- (b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

- (c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:
- (1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and
 - (2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and
 - (3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.
- (d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Sec. 15-3-5 Enforcement.

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Village Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Village Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.



Chapter 4

Grievances Regarding Access to Public Buildings, Programs, Services and Employment

15-4-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment

Sec. 15-4-1 Grievance Procedures Regarding Access to Public Buildings, Programs, Services and Employment.

(a) **Statement of Purpose.**

- (1) The Village of Boyceville, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Village programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Village Board and is available from the Village Clerk-Treasurer. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Village Clerk-Treasurer.
- (2) The Clerk-Treasurer shall serve as the Americans With Disabilities Act Coordinator with respect to 42 USC Sec. 12101, Title I, regarding employment, to conduct a self-evaluation in connection therewith, and to accept all grievances filed with respect thereto and make decision thereon in consultation with the Village Attorney within thirty (30) days of the filing of such grievance. Such decision may be appealed to the ADA Compliance Committee in accordance with the procedure established in this Section.
- (3) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Village President, subject to confirmation by the Village Board, at the Board's organizational meeting. The ADA Compliance Committee should consist of three (3) to five (5) members, and shall, if possible, have a representative from the following fields:
 - a. Business and/or non-profit organization.
 - b. Education.
 - c. Disabled representative.
 - d. Elected official.
 - e. Health/medical.

- (4) In the alternative, the duties hereunder may be assigned to a standing committee of the Village Board.
 - (5) Village letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."
 - (6) An ADA Committee meeting shall be treated as any other Village committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.
- (b) **Complaint Procedure.**
- (1) Complaints shall be filed with the ADA Coordinator, in care of the Village Clerk-Treasurer.
 - (2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.
 - (3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.
 - (4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.
 - (5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.
 - (6) The Village Clerk-Treasurer shall maintain the files and records of the Village relating to the complaints filed.
- (c) **Appeals.**
- (1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.
 - (2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Village Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Village Board shall precede the vote.
- (d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.
- (e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

Chapter 5

Minimum Housing Code

15-5-1	Title
15-5-2	Intent and Purpose
15-5-3	Rules and Definitions
15-5-4	Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating, and Electrical Service
15-5-5	Safe and Sanitary Maintenance of Property
15-5-6	Quantity, Location and Use of Space in Residential Buildings
15-5-7	Fixing the Responsibility of Owners, Operators, and Occupants
15-5-8	Inspection
15-5-9	Designation of Unfit Dwellings and Legal Procedures Therefor
15-5-10	Enforcement, Service of Notices, and Orders and Hearings

Sec. 15-5-1 Title.

This Chapter shall be known as the Village of Boyceville Minimum Housing Code.

Sec. 15-5-2 Intent and Purpose.

- (a) This Chapter is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of the Village and environs. This includes, among others, physical, aesthetic, and property values.
- (b) It is recognized that there may now be or may, in the future, be residential buildings, structures, yards or vacant areas, and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation, and heating so as to constitute a menace to the health, safety, and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

Sec. 15-5-3 Rules and Definitions.

- (a) **Rules.** In the construction of this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:
- (1) Words used in the present tense shall include the future.
 - (2) Words used in the singular number shall include the plural number, and the plural the singular.
 - (3) The word "shall" is mandatory and not discretionary.
 - (4) The word "may" is permissive.
 - (5) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (b) **Definitions.** The following definitions shall be applicable in this Chapter:
- (1) **Adequate.** Adequate as determined by the Building Inspector under the regulations of this Chapter or adequate as determined by an authority designated by law or this Code of Ordinances. "Adequately" shall mean the same as adequate.
 - (2) **Apartment.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
 - (3) **Approved.** Approved by the Building Inspector under the regulations of this Chapter or approved by an authority designated by law, this Chapter or this Code of Ordinances.
 - (4) **Attractive Appearance.** An appearance which is in accordance with generally accepted professional practices for new construction within the Village and which is not likely to adversely affect the values of abutting or neighborhood properties, or of the principal property.
 - (5) **Basement.** A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
 - (6) **Boarding House.** See "Lodging House" and "Lodging Room."
 - (7) **Building.** A combination of material to form a construction that is safe and stable and adapted to permanent or continuous occupancy for assembly, business, educational, high hazard, industrial, institutional, mercantile, residential, or a storage purpose; the term "building" shall be construed as if followed by the words "or portion thereof." For the purpose of this Chapter, each portion of a building completely separated from other portions by an unpierced fire wall shall be considered as a separate building.
 - (8) **Capacity in Persons.** The maximum number of persons that can occupy such building, as determined by the required floor space per person as established in this Chapter.
 - (9) **Compliance Inspection.** An inspection performed in conjunction with a lawful order of the Village Board or Building Inspector for the purpose of certifying the fulfillment of an official requirement listed in the order.

- (10) **Dwelling.** A place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
- (11) **Dwelling Unit.** One (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) family.
- (12) **Extermination.** The control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any other effective elimination procedure.
- (13) **Family.** An individual, or two (2) or more persons related by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and not more than two (2) roomers. For the purpose of this Subsection, "children" means natural children, or a ward as determined in a legal guardianship proceeding. Up to two (2) personal attendants who provide services for family members or roomers who, because of advanced age or physical or mental disability, need assistance with activities of daily living, shall be considered part of the "family." Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (14) **Friable Material.** Any material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure. The term includes non-friable material after such previously non-friable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.
- (15) **Good Working Condition.** Capable of performing the task for which it was designed and in the manner intended by this Chapter.
- (16) **Habitable Space.** One (1) or more rooms in a dwelling used primarily for sleeping, living, or dining purposes.
- (17) **Impervious to Water.** Constructed of concrete, cement block, terrazzo, brick, tile, or other material approved by the Building Inspector, and having tight-fitting joints.
- (18) **Infestation.** The sustained presence of household pests, vermin, or rodents.
- (19) **Living Room.** A room used primarily for living, dining, or cooking purposes.
- (20) **Lodging House.** A dwelling containing lodging rooms that will accommodate five (5) or more persons not members of a family.
- (21) **Lodging Room.** A portion of a dwelling used primarily for sleeping and living purposes, excluding cooking facilities.
- (22) **Mixed Occupancy.** Occupancy of a building in part for residential use and in part for some other use not accessory thereto.
- (23) **Occupant.** One who occupies or has actual possession of usable space.
- (24) **Operator.** Any person who has charge or control of a building or part thereof in which dwelling units or lodging rooms are located or let.
- (25) **Owner.** Every person, firm, partnership, or any individual member thereof, corporation, business organization of any kind, the state, the county, the Village, any sewer district, drainage district, and any other public or quasi-public corporation

- having vested interest in the property under consideration and shall include the representative, officer, agent, or other person having the ownership, control, custody, or management of any building. "Owner" does not include any person whose legal or equitable interest in the building is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.
- (26) **Person.** Any individual, firm, corporation, association, or partnership.
- (27) **Properly.** As deemed proper by the Building Inspector under the regulations of this Chapter or deemed proper by an authority designated by law or this Chapter.
- (28) **Provided.** Furnished, supplied, paid for or under control of the owner.
- (29) **Residential Building.** A building which is arranged, designed, used, or intended to be used for residential occupancy by one (1) or more families or lodgers, and which includes, but is not limited to, the following types:
- a. Single-family dwellings.
 - b. Two (2) family dwellings.
 - c. Multiple-family dwellings (including apartment hotels).
 - d. Lodging houses.
 - e. Fraternity and sorority houses.
- (For the purpose of this Chapter, any building containing any of the above uses together with other uses shall be considered a residential building.)
- (30) **Room.** A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.
- (31) **Rooming House.** See "Lodging House" and "Lodging Room."
- (32) **Sleeping Room.** A room used for sleeping purposes.
- (33) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.
- (34) **Supplied.** Paid for, furnished, or provided by or under control of the owner or operator.

Sec. 15-5-4 Minimum Standards for Basic Equipment, Lighting, Ventilation, Heating and Electrical Services.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for basic equipment, lighting, ventilation, and electrical services for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provision of such

services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage, and disposal of garbage, recyclables and other refuse, safe means of egress, provision of light, air, heat, and electrical service.

- (b) **Minimum Standards.** No person shall occupy as owner or let to another for occupancy any space in a residential building for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements:
- (1) **Basic Plumbing Requirements.** Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower, all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory basin, and bathtub or shower shall be contained within a separate room. Water pressure shall be available at all fixtures as specified in Sec. ILHR 82.40, Wis. Adm. Code.
 - (2) **Water Heating Facilities.** Every residential building 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 hereunder and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at any required kitchen sink, lavatory basin, bathtub, or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
 - (3) **Refuse Storage.** Each resident in every residential building shall be responsible for supplying such building with garbage, refuse and recyclable materials, storage facilities, the type and location of which is in compliance with Village regulations.
 - (4) **Egress.** Every dwelling unit and lodging room shall have direct access to at least two (2) accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street. Exterior stairways or exit platforms, or a combination thereof, will be permitted as second exits, provided the platform or stairways terminate at a point not more than ten (10) feet above the grade directly below the lowest platform. All stairs shall terminate at grade or a platform. Platforms shall have a minimum area of fourteen (14) square feet with a minimum dimension of three (3) feet. All stairways and platforms shall be protected with handrails and guardrails as specified in Sections ILHR 21.04(2) or ILHR 51.161 and ILHR 51.162, Wis. Adm. Code. Existing variances to the height limitations specified above may be approved by the Board of Appeals, provided the platforms or stairs are maintained in a sound structural condition.
 - (5) **Plumbing.** Each lodging house shall provide at least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition for each seven (7) persons or fraction thereof residing therein, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the Board of Appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities or the floor directly above or below

and shall be accessible from a common hall or passageway. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(6) **Windows and Ventilation.**

- a. Every living, sleeping, kitchen or bathroom shall have available natural light and ventilation complying with Sections ILHR 21.05 or ILHR 57.13, Wis. Adm. Code, as dictated by the occupancy of the building. Existing light and ventilation conditions which do not comply with ILHR Codes may remain in use with the granting of a variance by the Board of Appeals.
- b. Exhaust ventilation shall be installed in all toilet rooms, except those having only one (1) fixture [water closet or one (1) urinal] and in which the window area is greater than four (4) square feet and more than two (2) square feet is openable directly to the exterior of the building. The volume of air exhausted shall not be less than two (2) cubic feet per minute per square foot of floor area.
- c. All doors and windows required for ventilation shall be protected with insect screen equivalent to not less than sixteen (16) wire mesh installed to prevent the entrance of flies, mosquitoes and other insects, to be annually installed during May before June 1 and maintained until storm windows are installed in autumn.
- d. All exterior door and windows shall have storm windows or storm doors installed or maintained to prevent excessive drafts and heat loss no earlier than October 15th, but no later than November 15th annually.
- e. Existing habitable rooms without openable windows shall be provided with a mechanical ventilation system producing one (1) air change per hour. All required exhaust vents shall terminate outside the structure.

(7) **Electrical.** Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working conditions, and shall be connected to a source of electric power in a manner prescribed by the Wisconsin Electrical Code. The minimum capacity of such electrical services and the minimum number of outlets and fixtures shall be as listed below. (For the purposes of this Section, "electrical service" shall mean: "The conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served.") The electrical service shall be of sufficient size to handle the load connected to it. The branch circuits shall be protected by S-type or equivalent safety type, tamper-proof fuses, not to exceed the ampacity of the smallest wire size in the circuit:

- a. Every dwelling unit or room shall have electric service capable of providing at least three (3) watts per square foot of total floor area [air conditioners, ranges, space heaters and motor driven equipment one-eighth (1/8) hp. or over excluded.]
- b. Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room and furnace room shall contain at least one (1) approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five

- (5) foot candles at floor level at the center of the room. Where more than one (1) fixture is used or required, they shall be equally spaced as far as practicable. (A switched outlet may be substituted for the ceiling or wall fixture in the dining room.)
- c. Convenience outlet receptacles shall be provided as follows: (measurements are at room perimeter and include doors and door-alcoves)
1. Living Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 2. Dining Room: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 3. Kitchen: One (1) per eight (8) feet or fraction of countertop and preparation area measured at rear (preparation area includes countertops, sinks, range tops, and all other similar areas at counter height.) Island type work areas require one for each eight (8) feet or less of length. Separate outlets shall be provided for refrigerators.
 4. Dining Areas in Kitchen: One (1) per seventy-five (75) square feet or major fraction.
 5. Bedroom: One (1) per seventy-five (75) square feet or major fraction [minimum of two (2).]
 6. Laundry: One (1) when laundry equipment is present.
 7. Bathrooms and Lavatories: One (1) [may be part of wall fixture if seventy-two (72.0) inches or less from floor].
 8. Other Habitable Rooms: Minimum of two (2).
- d. Fixed appliances exceeding one-eighth (1/8) hp. or three hundred (300) watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NED 400-8).
- e. All cords and temporary wiring not in compliance with NEC Article 400-A, and all exposed abandoned wiring, shall be removed immediately upon the direction of the Building Inspector or Fire Inspector.
- f. Switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to conveniently control the area to be lighted.
- g. Public halls and stairways in multiple dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least two and one-half (2-1/2) foot candles of light at the tread or floor level. Halls and stairways in structures containing not more than three (3) dwelling units may be supplied with conveniently located switches, controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time-switched lighting. When dwelling unit doors open to the outside a minimum of two and one-half (2-1/2) foot candles of illumination at the locks are required. Required parking areas for more than three (3) cars shall be lighted to a minimum of one (1) foot candle on all surfaces.

- h. When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be one hundred (100) amps for the first two (2) dwelling units in a building and fifty (50) amps for each additional unit. Where electric heat and air conditioner over twenty (20) amps are added or in place, additional capacity to cover this demand is required. All electrical work shall be done in accordance with the National Electrical Code.

(8) **Heating.**

- a. All habitable rooms shall be provided with a permanently connected heating system complying with the Village ordinances.
- b. The heating system shall be maintained in a safe and efficient condition by a qualified person and a record kept at the premises showing the date of service and by whom. A minimum temperature of sixty-seven (67) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is above zero (0) degrees Fahrenheit, absent the wind-chill factor, and a minimum temperature of sixty (60) degrees Fahrenheit shall be maintained in all habitable rooms when the outdoor temperature is zero (0) degrees Fahrenheit or lower, absent the wind-chill factor. The outdoor temperature for the Village shall be the temperature as reported by the National Oceanic and Atmospheric Administration and the reports thereof shall be admissible in evidence and conclusive as to temperature.
- c. The occupant of a room or an apartment may maintain a lesser temperature than is specified above as long as it does not affect the temperature in other habitable areas of the building.

(9) **Lighting.**

- a. Illumination shall be provided at all intersections of passageways, at all exits, and at the head, foot, and landings of every stairway in all buildings accommodating transients, three (3) or more apartments, and lodging houses. The illumination shall be provided during a period one (1) hour before sunset to one (1) hour after sunrise.
- b. Every residential building that will accommodate transients, three (3) or more families, or twenty (20) persons shall have lights at the emergency exit doors or other places as may be necessary to direct the occupant to the exit doorways. The lights shall be red and accompanied by a sign bearing the word "EXIT" in plain letters five (5) inches high, or a red illuminated translucent exit sign may be used.

- (10) **Cooking Areas Restricted.** The owner or operator of every residential building shall not provide, use, or permit to be used and the occupant shall not provide, use, or permit to be used, in any room other than a kitchen, any equipment designed or intended to be used for cooking or preparation of meals.

- (11) **Emergency Work Information.** Every owner of a multi-family dwelling shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.

Sec. 15-5-5 Safe and Sanitary Maintenance of Property.

- (a) **Purpose.** The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of residential buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the neighborhood and Village and provide a suitable environment for increasing physical and monetary values.
- (b) **Maintenance Requirements.** Every owner or operator shall improve and maintain all property under his control to comply with the following minimum requirements:
- (1) **Drainage.** All courts, yards, or other areas on the premises shall be properly graded to divert water away from the building. Adjacent ground surface shall be sloped away from the structure with a grading of at least one-half (1/2) inch per foot for a minimum of five (5) feet where possible or by other means such as eaves troughs and downspout extensions.
 - (2) **Weeds.** All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances and the Wisconsin Statutes. Where required weed and grass cutting is not performed by the property owner, the Weed Commissioner shall perform said weed cutting and process the charge therefor as a special charge against the benefitted property.
 - (3) **Debris.** All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation, and animal feces. All animal feces shall be removed within twenty-four (24) hours.
 - (4) **Fences, Walks, Parking Areas.** Fences, other minor construction, walks, driveways, parking areas, and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition. Approved walks shall provide convenient all-weather access to buildings.
 - (5) **Exterior Surfaces.** Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking, or other deterioration of the exterior surface or the surface treatment and to present an

attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion.

- (6) **Yard Areas.** Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within ten (10) days, or any unsightly bulk items. Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all court and yard areas. Lawns shall be maintained to a height in compliance with Village ordinances. Plantings shall be maintained as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located, and thereby the appearance and value of the neighborhood and Village. The Village, after due notice to the property owner, will cause to be cut or trimmed nonconforming areas and place said cost as a special charge due against the property.
- (7) **General Requirements.**
 - a. Every interior floor, wall, and ceiling, including door and window assemblies, shall be kept clean and in good repair, and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All surfaces shall be free from serious cracking, irregularities, and peeling paint. A waterproof and hard surface shall be provided in spaces subject to moisture. All surface repairs shall be completed to closely match the existing surface color and texture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.
 - b. Every foundation, exterior wall, and floor and roof shall be reasonably weathertight, watertight, and rodentproof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level or plumb position. All chimneys and breaching shall be so constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.
 - c. Every gap allowing the accumulation of dirt or other objectionable matter in bathing, toilet, or food preparation areas shall be tightly sealed with an impervious and cleanable material.
- (8) **Stairs.** Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All interior and exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in

Sections ILHR 21.04 or 51.16, 51.161, 51.162 and 51.164, Wis. Adm. Code, as dictated by the type of occupancy in the building.

- (9) **Plumbing Fixtures.** Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- (10) **Bathrooms.** Every water closet compartment floor surface and bathroom floor surface shall be properly constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (11) **Supplied Facilities.**
 - a. Every supplied facility, piece of equipment, or utility shall be so constructed, installed, and maintained so that it will function in a proper working condition.
 - b. The owner of any dwelling or apartment in which a cooking stove and/or refrigerator are furnished for the use of the tenants as part of a rental agreement shall keep such cooking stove and/or refrigerator in good mechanical working condition.
 - c. It shall be the responsibility of the tenant to maintain supplied facilities in a clean and sanitary condition when contained within the tenant's dwelling unit.
- (12) **Equipment Removal Restricted.** 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, dwelling unit, or lodging room let or occupied by him, except for such temporary interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is approved by an authorized inspector.
- (13) **Abandoned Fuel Oil Tanks.** Abandoned fuel oil tanks shall be removed from the building.
- (14) **Removal of Debris.**
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Village, except at approved disposal sites.
 - b. No land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.
 - c. All vacant lands within the Village shall be leveled off to permit the mowing of weeds as outlined within this Code. This includes the removal of stones, bottles, wires and other debris that will interfere with mowing operations.
 - d. All lands in the Village shall be kept free of weeds and maintained so there is no detrimental influence to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

Sec. 15-5-6 Quantity, Location, and Use of Space in Residential Buildings.

- (a) **Purpose.** The purpose of this Section is to establish minimum standards for the quantity, location, and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy, and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings.
- (b) **Size of Dwellings and Rooms.**
- (1) **Detached Single-Family Dwellings.** Every detached single-family dwelling other than a mobile home shall have at least five hundred (500) square feet of floor area on the first floor level.
 - (2) **Size of Rooms.**
 - a. **Apartments.** The floor area of an apartment shall provide not less than one hundred fifty (150) square feet of floor area for the first occupant and at least one hundred (100) additional square feet of floor area for each additional occupant.
 - b. **Lodging Rooms.** The floor area of a lodging room shall provide not less than seventy (70) square feet of floor area for one (1) occupant and fifty (50) square feet for each additional occupant.
 - (3) **Excluded Spaces.** The space used as a laundry, workshop, furnace room, bathroom, storage room, closets, and common halls shall not be included as part of the space required in Subsections (b)(1) and (2) above.
 - (4) **Hallways.** Access to all lodging and sleeping rooms shall be from a common hallway and not through bathrooms or other lodging and sleeping rooms.
 - (5) **Cellar Space.** No cellar space shall be used as a sleeping room.
 - (6) **Basement Use as a Sleeping Area.** No basement space shall be used for a sleeping room unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total window area in each room is equal to at least the minimum window area required in this Chapter. The required minimum window area must be located entirely above the grade of the ground adjoining such window area.
 - c. The total of openable window area in each room is equal to at least the minimum as required under this Chapter, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

Sec. 15-5-7 Fixing the Responsibility of Owners, Operators and Occupants.

- (a) **Purpose.** The purpose of this Section is to fix the responsibility of owners, operators, and occupants of residential buildings.

- (b) **Responsibilities.** The responsibility of owners, operators, and occupants of residential buildings is as follows:
- (1) Every owner of a residential building containing two (2) or more dwelling units shall be responsible for maintaining in a clean, proper, and sanitary condition the shared or public areas of the residential building and premises thereof.
 - (2) Every occupant of a residential building shall keep in a clean, proper, and sanitary condition that part of the residential building and premises thereof which he occupies and controls, except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the lodging house. Every occupant of a residential building shall dispose of all his refuse, recyclables, and garbage as required by this Code of Ordinances.
 - (3) Every owner of a residential building shall be responsible for hanging, installation, and maintenance of all screens and double or storm doors and windows, whenever the same are required under provisions of this Code of Ordinances.
 - (4) 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 residential building shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.
 - (5) 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 reasonable care in the proper use and operation thereof.
 - (6) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this Chapter and compliance inspections/orders thereunder, and the occupancy is limited to the maximum permitted thereby.
 - (7) Every owner of a lodging house shall make available to the occupants the names of two (2) or more persons that may be called to arrange for emergency work. The names with the telephone numbers shall be posted in a conspicuous place readily accessible to the occupants. The names with the telephone numbers shall be revised periodically to maintain accurate information at all times.
 - (8) The operator of every lodging house shall change supplied linen and towels therein at least once each week and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

Sec. 15-4-8 Inspection.

- (a) The Building Inspector is authorized and empowered to inspect all residential buildings within the Village for the purpose of determining whether or not said residential buildings comply with the requirements of this Chapter. If any owner or occupant denies the Building Inspector entry into any residential building or portion thereof, the Building Inspector is authorized to obtain inspection warrants from an appropriate court and then enter and inspect said residential building pursuant to the authority of such warrant.
- (b) No owner of a residential building may deny the Building Inspector of the right to enter and inspect any portion thereof under the control of a tenant when the tenant has consented to said entry and inspection.

Sec. 15-4-9 Designation of Unfit Dwellings and Legal Procedure Therefor.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following procedures and guidelines:

- (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 Building Inspector:
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health, safety, or welfare of the occupants or of the public.
 - (2) One which lacks illumination, ventilation, heating, basic equipment, or sanitation facilities adequate to protect the health, safety, or welfare of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous to the health, safety, or welfare of the occupants or of the public.
 - (4) One which, because of its general condition, location or appearance, is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.
- (b) Any dwelling, dwelling unit, building or structure designated and placarded as unfit for human habitation and in need of repair by the Building Inspector shall be vacated within such a reasonable time as is ordered by the Building Inspector.
- (c) No building or structure or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

- (d) No person shall deface or remove the placard from any building or structure, or part thereof, which has been condemned as unfit for human habitation and placarded as such.
- (e) Any building or structure or part thereof designated as unfit for human habitation and in need of repairs or razing by the Building Inspector, which in the opinion of the Building Inspector would be unreasonable to repair, shall be razed or removed upon legal written service of the order of Building Inspector. If the owner shall fail or refuse to comply with the order, the Building Inspector shall refer such violation to the Village Attorney who will start any legal proceedings necessary to cause such building to be razed or removed as a violation of this Chapter.
- (f) Any building which has been vacant for more than thirty (30) days for any reason and has been damaged, illegally entered or vandalized shall be secured against entry. This shall include adequately boarding up doors, windows, and other openings in a workmanlike manner so as to prevent illegal entry, vandalism or damage.
 - (1) The building utilities, plumbing, electrical and heating systems in vacant buildings shall be maintained at all times in a safe condition or inactivated so as to prevent the possibility of damage to the structure by the failure of such utilities and so as to prevent hazardous and dangerous conditions.
 - (2) When any building has been damaged by fire or other cause and when hazardous or dangerous conditions exist and when such building cannot be secured by conventional locking or boarding up of windows and doors, such building shall be fenced off so as to prevent access and entry to the structure and the area immediately surrounding the structure within three (3) days of the damage by fire or other cause.

Sec. 15-5-10 Enforcement, Service of Notices and Orders and Hearings.

- (a) (1) Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision 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:
 - a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. 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 registered mail to his last-known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling or dwelling unit 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.

- (2) The above notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Chapter and with rules and regulations adopted pursuant thereto.
- (b) Whenever there has been notice of a violation issued to the owner, the agent of any owner, or the occupant of property which is in violation of this Chapter, no further notice shall be necessary for any reoccurrence of the violation prior to the commencement of any forfeiture action or prior to seeking an injunction in a court of record.
- (c) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Chapter or of any rule or regulations adopted pursuant thereto may request and shall be granted a hearing on the matter before the Building Inspector, provided that such person shall file, in the office of the Building Inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Building Inspector shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than ten (10) days after the day on which the petition was filed. Upon application of the petitioner, the Building Inspector may postpone the date of the hearing for a reasonable time beyond such ten (10) day period, if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement.
- (d) Following such hearing, the Building Inspector shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Building Inspector sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served. Following a hearing in the case of any notice suspending any permit required for this Chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Building Inspector, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Building Inspector within ten (10) days after such notice is served.
- (e) The proceedings at such hearing, including the findings and decision of the Building Inspector, shall be summarized, reduced to writing, and entered as a matter of public record. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Building Inspector may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- (f) Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety, or welfare, he may, without notice or hearing, issue an 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 Building

Inspector shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this Chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Building Inspector shall continue such order in effect, or modify it, or revoke it.

- (g) Determinations of the Building Inspector under this Section may be appealed to the Board of Appeals using the procedures prescribed in Title 13, Chapter 1 of this Code of Ordinances.

Sec. 15-5-11 Uniform Dwelling Code.

- A. Authority
- B. Purpose
- C. Scope
- D. Adoption of Wisconsin Uniform Dwelling Code
- E. Certified Building Inspector
- F. Building Permit Required
- G. Build Permit Fees
- H. Penalties
- I. Effective

A. **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.

B. **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

C. **SCOPE.** The scope of this ordinance includes the construction and inspection of one-and two-family dwellings built since June 1, 1980.

D. **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

E. **CERTIFIED BUILDING INSPECTOR.** There is hereby created the position of Certified Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

F. **BUILDING PERMIT REQUIRED.** No person shall alter, in excess of \$1,500.00 value in any twelve month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the certified building inspector. Any structural changes or major changes to mechanical systems that involve

extensions shall require permits. Restoration or repair of an installation to its previous code-complaint condition as determined by the certified building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be included for permit requirements.

G. BUILDING PERMIT FEE. The building permit fees shall be determined by resolution.

H. PENALTIES. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day for noncompliance.

I. EFFECTIVE DATE. This ordinance shall be effective January 1, 2005, upon passage and publication as provided by law.