CODE OF ORDINANCES OF THE VILLAGE OF MILLTOWN

PREFACE

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

VILLAGE OFFICERS

President	Larry Kuske
Trustees	Joe Castellano
	David Beaulieu
	Les Sloper
	Glen Owen Sr.
	Denise Kainz
	John Sorensen
Clerk/Treasurer	Amy Albrecht

ADOPTING ORDINACE

An ordinance adopting and enacting a new code of ordinances for the Village of Milltown, 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 Milltown, 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 Milltown, 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 Milltown, 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on or before _____, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from the Code after _____, except as hereinafter provided.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 repeated.

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 the 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, demotion, 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 any 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 _____, _____.

Passed, approved and adopted by the Village Board on this _____ day of _____, _____, 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 of their subunits must be held in places reasonable 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 statues.
2. CONSTRUCTION OF NOTICE. The notice for the meeting shall include:
    a. The time, date and place of the meeting, and
    b. The subject matter of the meeting, including subject matter to be considered in closed session.

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

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

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 up 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. Stat., 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, and compensation or performance evaluation of any public employee. Governmental bodies should exercise caution when considering performance to avoid discussing matters that are covered by Sec. 19.85(1)(b), Wis. Stats.
4. Sec. 19.85(1)(d), Wis. Stat., 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 advise 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 statue, no secret ballot may be utilized by a governmental body to determine any election or decision, except the election of the officers of such body. This narrow exception does not permit use of secret ballots to elect members of committees, officers, of the governmental units such as department heads, or fill vacancies on the body itself.
2. Any member may require the ascertainment and recording of each vote.
3. Records of motions and roll-call votes must be preserved and open for public inspection.

Use of Equipment in Meetings

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

CODE OF GENERAL ORDINANCES

Key to Section Numbering

Chapter

Title Section

1-1-1

TABLE OF CONTENTS
INDEX

TITLE 1
General Provisions

Chapter 1 Use and Construction
Chapter 2 Use of Citation

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

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

TITLE 4
Administrative Review Procedures

Chapter 1 Review of Administrative Determination

TITLE 5
Public Safety

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

TITLE 6
Public Works

Chapter 1 Grades

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

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 Direct Sellers
Chapter 5 Mobile Homes
Chapter 6 Regulation and Licensing of Fireworks
Chapter 7 Street Use Permits
Chapter 8 Dance Halls and public Dances
Chapter 9 Licenses to Pay Local Claims; Appellate Procedures

TITLE 8
Health and Sanitation

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

TITLE 9
Public Utilities

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

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 Vehicles Operation
Chapter 5 Abandoned and Junked Vehicles

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

TITLE 12
Parks and Navigable Waters

Chapter 1 Parks and Navigable Waters

TITLE 13
Land Use Regulations

Chapter 1 Zoning Code

Title 14
Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 15
Building Code

Chapter 1 Building Code
Chapter 2 Grievances Regarding Access to public Buildings by Handicapped Persons
Chapter 3 Fair Housing

Index
INDEX TO CODE
(References are to section numbers)

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

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

A

ABANDONED REFRIGERATORS
Prohibited, 9-3-4, 10-5-8, 11-3-3

ABANDONED PROPERTY
Disposal of, 3-4-2

ABANDONED VEHICLES
Conflict with other code provisions, 10-5-7
Disposal of abandoned vehicles, 10-5-4
Owner responsible for costs, 10-5-6
Removal and impoundment, 10-5-2, 10-5-3
Report of sale or disposal, 10-5-5
Storage of junked vehicles or appliances on private property, 8-1-8, 10-5-8
Violations, 10-5-1

ABANDONED AND LOST PROPERTY
Disposal of, 3-4-2

ACCESSORY USES AND STRUCTURES
Standards for, 13-1-140

ADMINISTRATIVE DETERMINATION, REVIEW OF
Administrative appeal, 4-1-9
Determinations not subject to review, 4-1-3
Determinations reviewable, 4-1-2
Final determination, 4-1-11
Hearing on administrative appeal, 4-1-10

Judicial review, 4-1-12
Legislative review, 4-1-13
Municipal authority defined, 4-1-4
Persons aggrieved, 4-1-5
Reducing determination to writing, 4-1-6
Request for review of determination, 4-1-7
Review of administrative determinations, 4-1-1
Review of determination, 4-1-8

ADULT ENTERTAINMENT
Regulation of, 11-7-1 through 11-7-62

AIR GUNS
Carrying or discharge in village, 11-2-1

ALARM SYSTEMS, REGULATION OF
See index at start of Title 5, Chapter 5

ALCOHOLIC BEVERAGES See also OPERATOR's LICENSES
Application for license, 7-2-6
Approval of application, 7-2-9
Classes of licenses, 7-2-4
Closing hours, 7-2-15
Conditions of license, 7-2-14
Definitions, 7-2-2
Fees, 7-2-5
Granting of license, 7-2-10
Investigation, 7-2-8
License required, 7-2-3
Non-alcohol events on licenses premises, 7-2-18
Numbering and expiration of license, 7-2-12
Outdoor sports and beer gardens regulated, 7-2-19
Posting of licenses, 7-2-13
Qualifications of applicant, 7-2-7
Restrictions on licenses, 7-2-14, 7-2-15
Restrictions on picnic and special event licenses, 7-2-16
Revocation of license, 7-2-17
State statutes adopted, 7-2-1
Transfer of license, 7-2-11

ALCOHOLIC BEVERAGES, OFFENSES INVOLVING
Adult permitting underage violation, 11-4-8
Defense of sellers, 11-4-5
Outside consumption, 11-4-1
Persons who have altered identification cards, 11-4-6
Possession on school grounds, 11-4-7
Sale to underage or intoxicated persons, 11-4-2, 11-4-4
Solicitation of drinks prohibited, 11-4-9

Underage person's presence in places of sale, 11-4-3

ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLES OPERATION
Penalties, 10-4-3
Speed, 10-4-2
State laws, adopted, 10-4-1
Unauthorized operation on public or private property, 10-4-4

ANIMALS
Animal feces, 7-1-10
Barking dogs, 7-1-12
Beekeeping, 7-1-22
Cruelty to animals and birds, 7-1-18
Dog licenses required, 7-1-1
Dognapping and catnapping, 7-1-20
Dogs restricted in cemeteries, 7-1-8
Duty of owner in case of dog or cat bite, 7-1-9
Food and drink to confined animals, 7-1-15
Impounding of animals, 7-1-7
Injury to property by dogs, 7-1-11
Issuance of dog licenses, 7-1-1, 7-1-3
Kennel licenses, 7-1-3
Late license fees, 7-1-4
Miniature pigs regulated, 7-1-19
Neglected or abandoned animals, 7-1-17
Number of dogs limited, 7-1-21
Owner control of, 7-1-10
Penalties, 7-1-23
Prohibited animals, 7-1-13
Rabies quarantine, 7-1-5
Rabies vaccination required, 7-1-2
Restrictions on keeping of dogs, cats or other animals, 7-1-6
Sale of certain animals restricted, 7-1-14
Shelter for animals, 7-1-16
Trapping on village property, 7-1-19

ARROWS
Shooting restricted, 11-2-3

ASSESSMENTS See SPECIAL ASSESSMENTS

ASSESSOR See also OFFICERS
Appointment and duties, 2-3-7
Confidentiality of assessor's records, 3-3-6(e)

AUTOMOBILES See TRAFFIC AND PARKING

B

BB GUNS
Carrying or discharge in village, 11-2-1

BED AND BREAKFAST ESTABLISHMENTS
As conditional uses, 13-1-71

BEER See ALCOCHOLIC BEVERAGES

BICYCLES
Bicycle regulations, 10-2-6
Definitions, 10-2-1
Lighting equipment, 10-2-3
Manner of operation restricted, 10-2-6
Penalties, 10-2-7, 10-2-8
Rules of the road, 10-2-4, 10-2-5

BOARD OF APPEALS
Composition and duties, 2-4-3
Procedures for, 13-1-190 through 13-1-194

BOARD OF HEALTH
Appointment and duties, 2-4-2

BOARD OF REVIEW
Composition, 2-4-1(a)
Duties, 2-4-1(b)

BOARD, VILLAGE See VILLAGE BOARD

BOARDS, COMMISSIONS AND COMMITTEES
Meetings and public notices 2-4-6
Residency for service on, 2-4-7

BUILDING CODE
Basements, 15-1-10
Building codes adopted, 15-1-1, 15-1-2, 15-1-4
Clear water discharge, 15-1-11
Construction sites, 15-1-12
Disclaimer on inspections, 15-1-17
Duplex service connections, 15-1-12
Fees, 15-1-16
Fire district regulations, 15-1-15
Garages, 15-1-8
Moving buildings, 15-1-13
New methods, 15-1-5

Penalties, 15-1-18
Razing buildings, 15-1-9
Smoke detectors, 15-1-14
Unsafe buildings, 15-1-6

BUILDING INSPECTOR
Appointment and duties, 2-3-10

BURNING
Open burning regulations, 5-2-10

BUSINESS PARKING LOTS
Trespass on, 11-3-11

C

CABLE TELEVISION
See index at start of Title 9, Chapter 3

CATS see ANIMALS

CEMETERY PROPERTY
Disturbing, 11-3-10

CHECKS
Issuance of worthless, 11-3-6

CHIEF OF POLICE
Appointment and duties, 2-3-8, 5-1-4

CIGARETTES
Retailer's licenses, 7-3-1

CITATIONS, USE OF
Authorization for, 1-2-1
Citation form, 1-2-3
Officials authorized to issue, 1-2-2
Procedure, 1-2-6
Receipt of cash deposit, 1-2-5
Schedule of, 1-2-4

CLERK See VILLAGE CLERK-TREASURER

CODE OF ORDINANCES See ORDINANCES, CODE OF

COIN MACHINES
Tampering, with, 11-3-8

COMPRESSION BRAKES
Regulation of, 10-1-43

CONCEALED WEAPONS
Prohibited, 11-2-2

CONDITIONAL USES, ZONING CODE
Procedures for, 13-1-60 through 13-1-71

CONTROLLED SUBSTANCES
Regulation of, 11-2-11

COOPERATIVE ARRANGEMENTS
Authority to enter into, 2-2-6

CRIMINAL ACTIVITY NUISANCES
Criminal nuisances prohibited, 11-8-1
Criminal nuisances defined, 11-8-2
Abatement of criminal activity nuisances, 11-8-3

CROSS CONNECTIONS
Control of, 9-1-49

CULVERTS
Village requirements for, 6-3-2

CURFEW
Regulations governing, 11-5-1

D

DANCE HALLS
Definitions, 7-8-1
License for, 7-8-2
Regulation of, 7-8-3

DEPOSITORIES
Designated, 3-1-7

DEPUTY CLERK-TREAURER
Appointment and duties, 2-3-3

DIRECT SELLERS
See index at start of Title 7, Chapter 4

DIRECTOR OF PUBLIC WORKS
Appointment and duties, 2-3-6

DISBURSEMENTS
Procedures, 3-1-8

DISORDERLY CONDUCT
Prohibited, 11-2-10

DOCUMENTS
Incorporation into code by reference, maintenance and availability of copes, 1-1-7

DOGS AND CATS See ANIMALS

DOOR TO DOOR SALESMEN See DIRECT SELLERS

DRIVEWAYS
Location, design and construction requirements, 6-3-2
Permit required, 6-3-1

DRUGS
Restrictions on, 11-2-11

E

ELECTIONS
Election officials, 2-1-3
Poll hours, 2-1-2

EMERGENCY GOVERNMENT
See index at start of Title 5, Chapter 4

ETHICS
Ethics code requirements, 2-5-10 through 2-5-9

EXPENDITURES See DISBURSEMENTS

F

FAIR HOUSING
Regulations and enforcement, 15-3-1 through 15-3-3

FENCES
Regulation of, 13-1-142

FINANCE
Bidding procedures, 3-1-12, 3-1-13
Claims against village, 3-1-8
Duplicate treasurer's bond eliminated, 3-1-2
Fiscal year, 3-1-6
Investment of funds, 3-1-9
Public depositories, 3-1-7
Receipt of money, 3-1-10
Statement of real property status, 3-1-11
Tax roll preparation, 3-1-1
Village budget
Budget, 3-1-3
Changes in budget, 3-1-4
Funds to be spent in accordance with budget, 3-1-5

FIREARMS
Concealed weapons, 11-2-2
Regulation of use of, 11-2-1
Safe transportation of, 11-2-3

FIRE CHIEF
Selection of, 2-3-9

FIRE DEPARTMETN See all FIRE PREVENTION CODE
Damaging fire hose prohibited, 5-2-4
Duty of bystanders to assist, 5-2-6
Fire department organization, 5-2-1
Fire protection charges, 5-2-11
Firemen may enter adjacent property 5-2-5
Impeding fire equipment prohibited, 5-2-2
Interference with use of hydrants, 5-2-8
Open burning, 5-2-10
Police power of department, 5-2-3
Smoke alarms, 5-2-9
Vehicles to yield right-of-way, 5-2-7

FIRE DISTRICT
Regulation in, 15-1-15

FIRE PREVENTION CODE
Adoption of codes, 5-3-1
Disclosure of hazardous materials, 5-3-2
Recovery of cost of extinguishing hazardous material fires, 5-3-3
Solid fuel-fired heating devices, 8-2-3

FIREWOOD
Storage of, 13-1-141

FIREWORKS
Restrictions and permits for displays, 7-6-1, 11-2-6

FURNACES, OUTDOOR See SOLID FUEL-FIRED HEATING DEVICES

H

HANDICAPPED PERSONS
Grievances regarding access to public buildings and programs, 15-2-1

HARASSING TELEPHONE CALLS
Prohibited, 11-2-5

HARASSMENT
Prohibited, 11-2-5

HAZARDOUS MATERIALS See FIRE PREVENTION CODE

HEALTH AND SANITATION
Clear water discharge, 8-1-11
Compulsory connection to sewer and water, 8-1-8
Deposit of deleterious substances, 8-1-4
Destruction of noxious weeds, 8-1-5, 8-1-6, 8-1-7
Health nuisances, 8-1-2
Keeping of livestock, 8-1-3
Rules regarding, 8-1-1

HIGHWAY OBSTRUCTIONS
Prohibition of, 11-2-5

HOME OCCUPATIONS
Regulation of, 13-1-72

I

ICE
Sidewalks, removal from, owner's responsibility and liability, 6-2-7

INCORPORATION
Village, 2-1-1

INTERGOVERNMENTAL COOPERATION
Authorized, 2-2-6

INTOXICATING LIQUOR See ALCOHOLIC BEVERAGES

ITINERANT MERCHANGS See DIRECT SELLERS

J

JUNK
Storage of, 10-5-8, 11-3-5

JUVENILES
Curfew, 11-5-1
Drug possession by, 11-5-2
Enforcement, 11-5-6
Petty theft by, 11-5-3
Receiving stolen goods, 11-5-4
Village jurisdiction over, 11-5-5

K

L

LAW ENFORCEMENT See POLICE DEPARTMENT

LAWN MAINTENANCE See also NATURAL LAWNS
Regulation of length of, 8-1-5, 8-1-6, 8-1-7

LEWD LANGUAGE AND CONDUCT See OBSCENITY

LIBRARY BOARD
Appointment and duties, 2-4-5

LIBRARY MATERIAL
Theft of, 11-3-7

LICENSES, GENERAL REQUIREMTNS
Denial appeals, 7-9-1
Taxes and assessments to be paid, 7-9-1

LIQUORS See ALCOHOLIC BEVERAGES

LITTERING
Prohibited, 11-3-2

LOITERING
Prohibited, 11-2-8

M

MARIJUANA
Possession of, 11-2-11

MINORS See JUVENILES

MOBILE HOME PARKS
Monthly parking fees, 7-5-1
Requirements for, 13-1-32, 13-1-050 through 13-1-167

N

NATURAL LAWNS
Regulation of, 8-1-6

NEWSPAPER
Official village, 2-1-4

NOISE
Loud and unnecessary prohibited, 11-2-9

NON-ALCOHOL EVENTS
On licenses premises, 7-2-18

NONCONFORMING USES
Under zoning, 13-1-80 through 13-1-82

NUISANCES, PUBLIC
Abatement of public nuisances, 11-6-6
Cost of abatement, 11-6-7
Enforcement and penalties, 11-6-8
Nuisances affecting health, 11-6-3
Nuisances affecting peace and safety, 11-6-5
Nuisances defined, 11-6-2
Nuisances offending morale and decency, 11-6-4
Prohibited, 11-6-1
Property maintenance, 10-5-8

O

OATHS OF OFFICE
Required, 2-3-13

OBSTRUCTING STREETS AND SIDEWALKS
Prohibited, 11-2-7

OFFENSES
Penalties, 1-1-6, 11-3-12
State statutes adopted, 11-1-1

OFFICIAL NEWSPAPER
Designated, 2-1-4

OFFICIALS
Eligibility for office, 2-3-12
General requirements, 2-3-1
Oath of office, 2-3-13
Property, public, standards for custody of, 2-3-16
Removal from office, 2-3-15
Vacancies, temporary or permanent, filling of, 2-3-14

OPEN MEETINGS AND PUBLIC NOTICE
Requirements, 2-2-11, 2-4-6

OPEN WELLS
Prohibited, 11-2-13

OPERATOR'S LICENSE
Display, 7-2-36
Duration, 7-2-32
Fee, 7-2-33
Issuance or denial, 7-2-34
License required, 7-2-30
Procedure for license, 7-2-31
Provisional license, 7-2-33
Revocation, 7-2-37
Training course, 7-2-35

ORDER
Failure to obey lawful, 11-2-13

ORDINANCES
Adoption of
Introduction of, 2-2-15
Publication and effect of, 2-2-16
Code of
Citing, manner of, 1-1-1
Conflicting provisions, interpretation of, 1-1-3
Construction, rules of, 1-1-2
Definitions of terms, 1-1-2
Documents incorporated by reference, maintenance by clerk and availability for inspections, 1-1-7
Effective date, 1-1-5(a)
Name, official, 1-1-1
Penalties for violations, 1-1-6
Separability of provisions, 1-1-4
Effective date, 1-1-5(b)
General penalty for Municipal Code, 1-1-6

Repeal of, effect of, 1-1-2(9)

P

PARKING AREA STANDARDS
Zoning code, 13-1-90 through 13-1-95

PARKING See TRAFFIC AND PARKING

PARKING LOTS
Trespass on, 11-3-11

PARKS
Camping prohibited at Sandy Beach, 12-1-7
Hours, 12-1-4
Park regulations, 12-1-1
Park space reservations, 12-1-6
Radio-controlled model airplanes regulated, 12-1-2
Turf protection, 12-1-3
Ultralight aircraft use in, 12-1-5

PEDDLERS See DIRECT SELLERS

PENALTIES
Code violations, general, 1-1-6
Offenses, 11-3-12

PISTOLS
Carrying or discharge in village, 11-2-1, 11-2-3

PLAN COMMISSION
Appointment and duties, 2-4-4

PLANNED UNIT DEVLOPMENTS
As conditional uses, 13-1-50 through 13-1-59

PLUMBING CODE See also BUILDING CODE

POLICE DEPARTMENT
Civilians to assist, 5-1-9
General powers of officers, 5-1-3
Hearing authority of suspension of termination of officers, 5-1-7
Organization of, 5-1-1, 5-1-3
Personnel records of, 5-1-6
Records and reports, 5-1-2
Rules and policies of, 5-1-5
Training for, 5-1-8

POLICE LINE
Crossing of, 11-2-11

POLLUTION ABATEMENT
Cleanup of wastes, 8-2-1
Solid fuel-fired heating devises, 8-2-3
Storage of polluting substances, 8-2-2

PRAIRIE LAWNS See NATURAL LAWNS

PRESIDENT
Duties, 2-2-3
Election of, 2-2-3
Oath of office, 2-3-12
Powers, 2-2-3
Presiding officer of board, 2-2-13

PROPERTY
Damaging, prohibition, 11-3-1, 11-3-4
Disposal of surplus village, 3-4-1

PROPERTY MAINTENANCE
Requirements for, 10-5-8

PUBLIC PROPERTY
Damage to prohibited, 11-3-1, 11-3-9, 11-3-10

PUBLIC RECORDS See RECORDS, PUBLIC

Q

R

RADIO CONTROLLED TOYS
Use in parks, 12-1-2

RECORDS, PUBLIC
Access procedures, 3-3-5
Assessor's records to be confidential, 3-3-6(e)
Definitions, 3-3-1
Destruction of records, 3-3-7
Duty to maintain records, 3-3-2
Legal custodian(s), 3-3-3
Limitations or right to access, 3-3-6
Preservation through microfilm, 3-3-8
Public access to records, 3-3-4
Specific records retention guidelines, 3-3-8

REFUSE DISPOSAL
Collection of refuse, 8-3-6
Declaration of policy, 8-3-2
Definitions, 8-3-3
Garbage as nuisance, 8-3-8
Prohibited activities, 8-3-7
Refuse from outside village, 8-3-9
Refuse storage areas, 8-3-4

RETAIL THEFT
Prohibited, 11-3-4

REVIEW BOARD See BOARD OF REVIEW

RIFLES
Carrying or discharge in village, 11-2-1, 11-2-3

S

SATELITE TELEVISION DISHES
Regulation of, 13-1-130, 13-1-131

SCHOOL PROPERTY
Unauthorized presence on, 11-2-12

SEWER UTILITY REGULATIONS AND RATES
See index at start of Title 9, Chapter 2

SECUALLY EXPLICIT CONDUCT
Regulation of, 11-7-1 through 11-7-62

SHOOTING MISSILES
Prohibited, 11-2-1, 11-2-2

SIDEWALKS See STREETS AND SIDEWALKS

SIGNS
Regulation of, 13-1-100 through 13-1-111

SNOW
Sidewalks, removal from, 6-2-7

SNOWMOBILES
Applicability of traffic regulations, 10-3-2
Enforcement, 10-3-8
Operation on sidewalks, 10-3-5
Penalties, 10-3-7

Snowmobile trails, 10-3-6
Speed of, 10-3-3
State laws, adopted, 10-3-1, 10-3-2
Unattended vehicles, 10-3-4

SOLICITORS See DIRECT SELLERS

SOLID FUEL-FIRED HEATING DEVICES
Regulation of, 8-2-3

SPECIAL ASSESSMENTS
Procedures for use of, 3-2-1 through 3-2-13

STREETS AND SIDEWALKS
Construction and repair of sidewalks, 6-2-2
Curb and gutter, 6-2-13
Excavation of streets, 6-2-3, 6-2-4
Grades, 6-1-1, 6-1-2
Obstructions and encroachments, 6-2-5, 6-2-12, 11-2-5
Removal of rubbish and dirt, 6-2-1
Requests for improvements, 6-2-10
Sidewalk construction and repairs, 6-2-2
Snow and ice removal, 6-2-7
Street privilege permit, 6-2-6
Terrace areas, 6-2-8
Unlawful dumping on, 6-2-11
Vaults, 6-2-9

STREET USE (BLOCK PARTIES)
Permits for, 7-7-1

SUBDIVISIONS See also ZONING
See index at start of Title 14, Chapter 1

SWIMMING POOLS
Regulation of, 13-1-143

T

TAX ASSESSOR See ASSESSOR

TERRACE AREAS
Responsibilities, 6-2-8

THEFT
Prohibited, 11-3-9

TOBACCO PRODUCTS
Possession by minors, 11-5-7

TRAFFIC AND PARKING
Accident reports, 10-1-7
Angle parking, 10-1-26
Blue warning lights on police vehicles, 10-1-6
Compression brake regulation, 10-1-43
Disorderly conduct with a motor vehicle, 10-1-40
Enforcement, 10-1-51
Inoperable vehicles, 10-1-32
Leaving keys in motor vehicles prohibited. 10-1-24
Motor vehicles on pedestrian ways, 10-1-41
Official traffic signs, 10-1-3
Operation of vehicles in public parking lots and ramps, 10-1-30
Operators to obey traffic control devices, 10-1-10
Parking reserved for vehicles of disabled, 10-1-23
Parking restrictions, 10-1-20, 10-1-21, 10-1-22, 10-1-27
Parking prohibited zones, 10-1-22 10-1-28
Penalties, 10-1-50
Registration record of vehicle as evidence, 10-1-4
Removal of illegally parked vehicles, 10-1-31
School bus warning lights, 10-1-5
State administrative code adopted, 10-1-2
State traffic laws adopted, 10-1-1
Truck parking, 10-1-28
Unattended motorized machinery, 10-1-25
Unlawful removal of parking citations, 10-1-29
Unnecessary acceleration of vehicles, 10-1-40
Winter parking, 10-1-27

TRANSIENT MERCHANTS See DIRECT SELLERS

TRESURER See VILLAGE CLERK-TREASURER

TREES AND SHRUBS
See index at start of Title 6, Chapter 4

TRESPASS
To business parking lots, 11-3-11

TRUSTEES See PRESIDENT; VILLAGE BOARD

U

UTILITIES, PUBLIC See WATER UTILITY REGULATIOSN AND RATES; SEWER UTILITY REGULATIOSN AND RATES

V

VARIANCES, ZONING CODE
Procedures for, 13-1-193

VILLAGE ATTORNEY
Appointment and duties, 2-3-4

VILLAGE BOARD See also PRESIDENT
Committees, 2-2-4
Composition, 2-2-1, 2-2-2
Cooperative arrangements with other municipalities, 2-2-6
Meetings
Conduct at, 2-2-16 through 2-2-22
Internal powers of board, 2-2-7
Introduction of business, 2-2-15
Location, 2-2-9
Open meetings, 2-2-11
Order of business, 2-2-14
Ordinances, introduction of, 2-2-14, 2-2-15, 2-2-16
Presiding officer, 2-2-3, 2-2-13
Quorum, 2-2-12
Regular, 2-2-9
Special, 2-2-10
Powers, 2-2-5
Powers of village vested in, 2-2-1
Trustees
Compensation, 2-2-8
Election of, 2-2-2
Number of, 2-2-2
Oath of office, 2-3-12
Removal of, 2-3-14
Suspension of voting privileges, 2-2-22
Term of office, 2-2-2
Vacancies in office of, temporary or permanent filling of, 2-3-13

VILLAGE CLERK-TREASURER
Appointment and duties 2-3-2

W

WATERCOURSES
Powers of village board, 2-2-5

WATER UTILTY REGULATIONS AND RATES
See index at start of Title 9, Chapter 1

WEED COMMISSIONER
Appointment and duties, 2-3-5
Lawn maintenance, 8-1-5

WEEDS AND GRASSES
Control of, 8-1-5, 8-1-6, 8-1-7

WELL ABANDONMENT, PRIVATE
Procedures for, 9-1-50

WELLHEAD PROTECTION
See index at start of Title 9, Section 9-1-51

WIND ENERGY SYSTEMS
Regulation of, 13-1-132, 13-1-133

WINE See ALCOHOLIC BEVERAGES

WORTHLESS CHECKS
Issuance of, 11-3-6

Z

ZONING
See index at start of Title 13, Chapter 1

ZONING BOARD OF APPEALS
Appointment and duties, 2-4-2
Procedures of, 13-1-190 through 13-1-194

ZONING DISTRICTS
Established, 13-1-24 through 13-1-32

TITLE 1

General Provisions

Chapter 1 Use and Construction
Chapter 2 Use of Citation

CHAPTER 1

Use and Construction

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 Milltown, Wisconsin." References to the Code of Ordinances, Village of Milltown, Wisconsin, shall be cited as follows: "Section 2-1-1, Code of Ordinances, Village of Milltown, 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 the 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) **Codes and Code of Ordinances.** The words, "Codes," "Code of Ordinances" and "Municipal Code" when used in any section of the Code shall refer to this Code of Ordinances of the Village of Milltown unless the context of the section clearly indicates otherwise.

(c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturday, Sundays, and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified by state law.

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

(e) **Gender.** Use has been made of masculine pronouns in these ordinances solely for the sake of brevity. Unless specifically stated to the contrary, words in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.

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

(g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more village officers or employees shall be construed as giving such authority to a majority of such officers or other person.

(h) **Officers.** The term "officers" shall refer solely to local offices created by state statue.

(i) **Officials.** The term "officials" shall mean all village officers and employees.

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

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

(l) **Singular and Plural.** Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things and every word in these ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.

(m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriates.

(n) **Wisconsin Statues.** The term "Wisconsin Statues" and its abbreviation as "Wis. Stats." Shall mean, in these ordinances, the Wisconsin Statues for the year 1987-88, as amended from time to time.

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

(p) **Village.** The term "Village" shall mean the Village of Milltown, Polk County, Wisconsin.

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

SEC. 1-1-3 CONFLICT OF PROVISIONS.

(a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.

(b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

SEC. 1-1-4 SEPARABILITY OF PROVISIONS.

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

SEC. 1-1-15 EFFECTIVE DATE OF ORDINANCES.

(a) **Code.** The code of ordinances, Village of Milltown, 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 provision of this Code shall upon conviction of such violation, be subject to a penalty, which shall be as follow:

(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) for each such offense, 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 six (6) months.

(2) Second Offense - - Penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previous have been convicted of a violation of the same ordinance with one year shall upon conviction thereof, forfeit not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00) for each such offense, together with costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.

(b) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Village from maintaining any appropriate action to prevent or remove in violation of any provision of this Code.

(c) **Other Remedies.** The Village shall have any and all other remedies afforded by the Wisconsin States in addition to the forfeitures and costs of prosecution above.

SEC. 1-1-7 VILLAGE CLERK-TREASURER TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE.

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

CHAPTER 2

Use of Citation

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

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

The Village of Milltown hereby elects to use the citation method of enforcement of ordinances. All Village officers and other Village personnel charged with responsibility of enforcing the provision of this Code of Ordinances are hereby authorized pursuant to Sec. 66-119(1)(a), Wis. Stats., to issue citation for violations of the 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 section of the Code which are directly related to the official's area of responsibility. The officials granted authority to issue citations under this section may delegate the authority to other Village employees within the designated official's department with the approval of the Village Board:

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

SEC. 1-2-3 FORM OF CITATION.

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

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

(3) That if the alleged violator makes a cash deposit and does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Sec. 165.87, Wis. Stats., and court costs as imposed by Sec. 800-10, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the pleas of no contest;

(4) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed by Sec. 165.87, Wis. Stat.;

(h) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriated statement which accompanies the citation to indicate that he read the statement required under Subsection (g) and shall send the signed statement with the cash deposit;

(i) Such other information as may be deemed necessary.

SEC 1-2-4 SCHEDULE OF CASH DEPOSITS.

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

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

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

SEC. 1-2-6 PROCEDURE.

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

SEC. 1-2-7 NONEXCLUSIVITY OF CHAPTER.

(a) Adoption of this chapter does not preclude the Village Board from adopting any other ordinance providing for the enforcement of any other law or ordinance relating to the same or other matters.

(b) The issuance of a citation hereunder shall not preclude the Village or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

TITLE 2

Government and Administration

Chapter 1 Village Government and Election
Chapter 2 Village Board
Chapter 3 Municipal Officers and Employees
Chapter 4 Boards and Commissions
Chapter 5 Ethical Standards

CHAPTER 1

Village Government and Elections

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

SEC. 2-1-1 VILLAGE GOVERNMENT.

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

(b) **Division of Government**.

(1) Legislative Branch. The Village Board is the legislative branch of the Village government. Its primary business is the passage of law in the form of ordinances or resolutions which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Village Board shall fix the salaries of all officers and employees of the village, and be charged with the official management of the Village's financial affairs, its budget, its revenues and the raining of funds necessary for the operation of the Village.

(2) Executive Branch. The Village President shall be the chief executive officer. He shall take care that all Village ordinances and state laws are observed and enforced, and that all Village officers, boards and commissions discharge their duties. When present, he shall preside at the meetings of the Village Board. He shall from time to time give the Village Board such information and recommend such measures as he may deem advantageous to the Village.

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

SEC. 2-1-2 ELECTION POLL HOURS.

The voting polls in the Village of Milltown, Polk County, Wisconsin, shall be opened from 9:00 a.m. to 8:00 p.m. for all elections. The polling place shall be the Village of Milltown Village Hall for all elections.

SEC. 2-1-3 NUMBER OF ELECTION OFFICIALS.

At every election held in the Village of Milltown, there shall be three (3) inspectors and two (2) ballot clerks. The inspectors shall also act as clerks of election and perform all duties assigned to such clerks of election allowed by the Wisconsin Statutes with the exception that if a light voter turnout is expected the Village Board, by motion previous to the election, may reduce the number of election officials to three (3) inspectors who will also perform the duties of ballot clerk and clerk of election.

SEC. 2-1-4 OFFICIAL NEWSPAPER.

The Village of Milltown elects to use the posting method for giving public notice. However, where state law or this Code of Ordinances requires publication, the official newspaper of the Village of Milltown shall be the Polk County Ledger.

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 Municipalizes
2-2-7 Internal Powers of the Board
2-2-8 Salaries
2-2-9 Meetings
2-2-10 Special Meetings
2-2-11 Open Meetings
2-2-12 Quorum
2-2-13 Presiding Officers
2-2-14 Order of Business
2-2-15 Introduction of Business, Resolutions and Ordinances; Disposition of Communications
2-2-16 Publication and Effect of Ordinances
2-2-17 Conduct of Deliberations
2-2-18 Reconsideration of Questions
2-2-19 Disturbances and Disorderly Conduct
2-2-20 Amendment of Rules
2-2-21 Suspension of Rules
2-2-22 Suspension of Voting Privileges

SEC. 2-2-1 VILLAGE BOARD.

The Trustees of the Village of Milltown 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 Milltown 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 spring election in odd-numbered years for a term of two (2) years, commencing on the third Tuesday of April in the year of his election.

(b) Duties. The Village president shall by virtue of his office be a Trustee and preside at all meetings of the Board, have a vote as Trustee, and sign all ordinances, rules, bylaws, regulations and commissions adopted or authorized by the Board and all orders drawn on the treasury. He shall maintain peace and good order see that the Village ordinances are faithfully obeyed, and in case of disturbance, riot or other apparent necessity appoint as many special marshals as he shall deem necessary, who for the time being shall possess all the powers and rights of constables.

Sec. 2-2-4 STANDING COMMITTEES.

(a) **Committee Appointments.** Standing committees of the Village are appointed by the Village president, subject to confirmation by the Village Board, and shall be composed as prescribed in Subsection (b). Each committee shall consist of four (4) Board members, except that a citizen or other Village official may be appointed in place of a Trustee. The appointments to each committee shall be made at the annual organization meeting of the Village Board. Standing committees shall review such matters as may be referred to them by the Village Board and shall submit recommendation for Bard action.

(b) **Committees Established.** The following standing committees are established:
   (1) Finance Committee (licensing, personnel, finance and insurance).
   (2) Public Works Committee (streets, sewer, lighting and water).
   (3) Public Safety Committee (law enforcement, fire protection, building regulations).
   (4) Public Welfare Committee (health, parks, recreation, nuisances).
   (5) Highway 35 Committee

(c) **President to Designate Chairperson.**
   (1) The Village President shall designate the chairperson of all standing committees. All committee appointments except designation of chairperson committees. All committee appointments except designation of chairperson shall be subject to confirmation by a majority vote of the Board.
   (2) All Trustees shall serve on at least one (1) standing committee. The Village President shall be an ex officio member of each standing committee, or may be appointed to serve as a member of a specific committee.
   (3) The Village President may declare the entire Board a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairperson of the same.
   (4) The Village President may, from time to time, appoint such special committee or committees as he deems advisable or as provided for by motion or resolution by the Board stating the number of members and object thereof to perform such duties as may be assigned to them.

(d) **Committee Reports**. Each committee shall at the next regular Board meeting submit a report on all matters referred to it. Such report shall recommend a definite action on each item and shall be approved by a majority of the committee. Any committee may require any Village officer or employee to confer with it and supply information in connection with any matter pending before it.

(e) **Ambiguity of Committee Authority.** In case of ambiguity or apparent conflict between the preceding definition of committee authority and a definition in these ordinances, of the authority of a Village officer, employee, board, or association, the latter shall prevail.

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

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, regulations, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in 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 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, recreations, amusement and other public purposes; and may sell and convey such property. Condemnation shall be as provided by the Wisconsin Statues.

(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 Statues, 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 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 load 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 MUNICIPALITES.

The Village Board, on behalf of the Village, may join with other countries, villages, cities, towns, or other governmental entities in a cooperative arrangement for executing any power of 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 President and other Trustees who make up the Village Board, whether operating under general or special law, may by majority vote of all the members of the Village Board determine that an annual salary be paid the President and Trustees. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

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 6:30 p.m. local time, or at such other date and time as the Village Board shall designate. When the Village Board designates a date and time for the regular Board meeting, notice thereof shall be posted at the Village Hall in the Village of Milltown and in the official Village newspaper prior to such rescheduled meeting date. All meetings of the Board shall be held at the Village Hall, unless specified otherwise in the minutes of the preceding meeting or by written notice posted at the regular meeting place at least three (3) hours prior to any meeting. In any event, all Board meetings shall be held within the boundaries of the Village.

(b) **Annual Organization Meeting**. The Village Board shall hold an annual organizational meeting on the third Tuesday of April 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 posted.

State Law Reference: Sec. 6-1-32, 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 twenty-four (24) 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 usual place of abode a minimum of twenty-four (24) hours prior to the meeting time. The Village Clerk-Treasurer shall cause an affidavit of such notice to be filed in his office prior to the time fixed for such special meeting. No business shall be transacted at a special meeting except for the purpose stated in the notice thereof. Notice to the public of special meetings shall conform to the open meeting requirements of 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.

(b) In the event all of the Trustees file a written consent or waiver of notice, any special meeting shall be held forthwith, but no less than two (2) hours after the required notice is provided under Sec. 19.84(3), Wis. Stats.

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

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

SEC. 2-2-11 OPEN MEETINGS; ADJOURNMENT OF MEETINGS.

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

(b) **Adjournment of Meetings**. Regular sessions of the Village Board may be adjourned from time to time for later reconvening. Any regular session of the board may be adjourned for later reconvening as many times as the Board may determine to be necessary, advisable or convenient. Said adjournment may be made for a new reconvening time later in the same day or in a subsequent day. Any such adjournment may provide for reconvening at the same place or another place. An adjournment to a closed session may be only for a permitted purpose as enumerated in Sec. 19.85. Wis. Stats., and must meet the other requirements of said Sec. 19.85, Wis. Stats.

(c) **Meetings to be Open**. During the holding of any open session in the regular meeting room or in the substituted meeting room, said room and said meeting shall at all times to open and remain open to all citizens.

(d) **Closed Meetings**. The provisions of this Code do not prohibit the Board or any committee thereof from having a closed meeting which is legally convened and legally held in a room in said building other than the official meeting room or in some other building in the Village

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

SEC. 2-2-12 QUORUM.

(a) Four (4) members of the Village Board shall constitute a quorum, but a lesser number may adjourn or compel attendance of absent members if a majority is not present. The President shall be counted in computing a quorum.

(b) When the presiding officer shall have called the members to order, the Village 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 the absence of the Village President, the President Pro Tem shall preside. In case of absence of the Village President and President Pro Tem, 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) **President Pro Tem**. The Village Board at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a President pro Tem, who in the absence of the President, shall preside at meetings of the Board and during the absence or inability of the Village President, shall have the powers and duties of the Village president, except that he shall not have power to approve an act of the board with the Village President has disapproved, by filing objections with the Village Clerk-Treasurer.

(c) **Duties**. The presiding officer shall preserve order and decorum, decide all questions or 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 statue or by these rules. Any member shall have the right to appeal from a decision of the presiding office. Such appeal is not debatable and must be sustained by a majority vote of the members present excluding the presiding officer. In the absence of the Village Clerk-Treasurer, the presiding officer shall appoint a Village Clerk Pro Tem.

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

SEC 2-2-14 ORDER OF BUSINESS.

(a) **Order of Business.** At all meetings, the following order shall be observed in conducting the business of the Village Board:
   (1) Call to order by presiding officer;
   (2) Roll call. (If a quorum is not present, the meting shall thereupon adjourn, which may be to a specified date);
   (3) Reading, correcting and approval of the minutes of the last preceding meeting or meetings and approval of agenda;
   (4) Committee reports;
   (5) Unfinished business;
   (6) New business;
   (7) Reports of Village officers;
   (8) Communications and miscellaneous business;
   (9) Adjourn.

(b) **Order to Be Followed.** No business shall be taken up out of order unless authorized by the Village President or by majority consent of all Trustees and in the absence of any debate whatsoever.

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

(a) **Ordinances to Be in Writing.** All ordinances, or bylaws submitted to the Board shall be in writing and shall include at the outset a brief statement of the subject matter and a title. Resolutions shall be in writing at the request of two (2) Trustees; such request shall be nondebatable. Unless requested by a Trustee before a final vote is taken, no ordinance, resolution or bylaw need to be read in full. Resolutions may be referred to an appropriate committee for an advisory recommendation.

(b) **Subject and Numbering of Ordinances**. Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.

(c) **Notice.**
   (1) The Village Board may take action on an ordinance only if it appears on the written agenda for meeting at which action is requested.
   (2) Ordinances will be placed on the agenda for Board action only if they are submitted to the Village Clerk-Treasurer in written form by Friday noon prior to the meeting at which action is requested.

(d) **Disposition of Petitions, Communication, Etc**. Every petition or other writing of any kind, addressed to the Village Board or to the Village 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.

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, with the affidavit or publication, 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 publications thereof, unless otherwise provided.

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

SEC 2-2-17 CONDUCT OF DELIBERATIONS.

(a) A roll call shall not be necessary on any questions or motions except as follow:
   (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 exceed of ten thousand dollars ($10,000.00).
(3) When required by the state statues of Wisconsin.

(b) All aye and nay votes shall be recorded in the official minutes. The ayes and nays shall be ordered upon any question at the request of any member of the Village Board or the president, and the Village Clerk-Treasurer shall call the roll in alphabetical order.

(c) Except as provided below, the Village Boards shall in all other respects determine the rules of its procedure, which shall be governed by Robert's Rules or Order, revised (1984), which is hereby incorporated by reference unless otherwise provided by ordinance or Statue, except when otherwise limited or modified by this Code of Ordinances.
(1) No Trustee shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to Board and confine his remarks to the question under discussion and avoid all personalities.
(2) When two (2) or more members simultaneously seek recognition, the presiding officer shall name the member who is to speak first.
(3) No person other than a member shall address the Board except under order of business, except the citizens may address the Board with permission of the presiding officer as to matters which are being considered by the Board at the time.
(4) When a question is in debate, no action shall be in order except:
(a) To adjourn;
(b) To lay on the table;
(c) The previous question;
(d) To postpone to a certain date;
(e) To refer to a standing, select or special committee;
(f) To amend;
(g) To postpone indefinitely;
And these several motions shall have precedence in the order in which they stand.

SEC. 2-2-18 RECONSIDERATION OF QUESTIONS.

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

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

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

SEC. 2-2-20 AMENDMENT OF RULES.

The rules of this chapter shall not be rescinded or amended unless the proposed amendment or motion to rescind has laid over form 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.

SEC. 2-2-22 SUSPENSION OF VOTING PRIVILEGES.

(a) All Village Trustees must attend two-thirds (2/3) of the scheduled Village Board meetings, within a six (6) month calendar period, or be subject to loss of their voting privilege. Any accumulation of unexcused absences totaling one-third (1/3) of the scheduled Village Board meetings during any six (6) month period shall apply.
(b) Only unexcused absences from Village Board meetings shall be considered under this section. Excused absences include absences required by health and/or family reasons.
(c) The Village President shall have the authority to decide whether or not an absence is excused or unexcused.
(d) The Village president shall have the authority to determine the length of suspension of voting privileges under this section subject to approval by two-thirds (2/3) vote of all of the members of the Board.
(e) Any Village Trustee has the right to challenge a finding that an absence from a meeting was unexcused by filing a written objection with the Village Clerk-Treasurer within ten (10) days of notification by the Village president. The objection shall be heard by the Village President and the Personnel Committee.

Chapter 3

Municipal Officers and Employees

2-3-1 General provisions
2-3-2 Village Clerk-Treasurer
2-3-3 Deputy Clerk-Treasurer
2-3-4 Village Attorney
2-3-5 Weed Commissioner
2-3-6 Director of Public Works
2-3-7 Assessor
2-3-8 Chief of police
2-3-9 Fire Chief
2-3-10 Building Inspector
2-3-11 Health Officer
2-3-12 Eligibility for Office
2-3-13 Oaths of Office
2-3-14 Vacancies
2-3-15 Removal from Office
2-3-16 Custody of Official Property
2-3-17 Official Bonds; Officers Not to Be Sureties

SEC. 2-3-1 GENERAL PROVISIONS.

(a) **General Powers.** Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the Village President, shall perform such duties as shall be required of him by the Village Board. Officers, whose powers and duties are not enumerated in Chapter 61 of the Wisconsin Statutes, shall have such powers and duties as are prescribed by law for like officers or as are directed by the Village Board.

(b) **Rules.** All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in officer, shall apply to Village officers.

(d) **Legal Representation.** Whenever a Village official in his official capacity proceeded against or obliged to proceed before any civil court, board or commission, to defend or maintain his official position, or because of some act arising out of the performance of his official duties, and he has prevailed in such proceedings, or the Village Board has ordered the proceedings discontinued, the Board may provide the payment to such official such sum as it sees fit, to reimburse him for the expenses reasonably incurred for costs and attorney's fees.

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

(a) Appointment. There is hereby created the consolidated office of Village Clerk-Treasurer, combining the administrative positions of Clerk and Treasurer. The Village of Milltown, pursuant to Section 3, Article XI, of the Wisconsin Constitution, and Sections 66.01 and 61.195 of the Wisconsin Statues, elects that the Village Clerk-Treasurer shall be appointed by the Village President subject to

confirmation of the Village board for an indefinite term subject to removal by the Village Board pursuant to Sec. 17.13(1), Wis. Stats.

(b) 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. 2-3-3 DEPUTY CLERK-TREASURER.

The Village president may appoint a Deputy Clerk-Treasurer, subject to confirmation by a majority of all the members of the Village Board. The Deputy Clerk-Treasurer shall have an indefinite term of office. The Deputy Clerk-Treasurer shall act under the Village Clerk-Treasure'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 shall be covered by official bonds as the Village Board shall direct.

SEC. 2-3-4 VILLAGE ATTORNEY.

(a) **Appointment.** The Village Attorney is an appointed position. The Village president shall at the organizational meeting in April appoint a Village Attorney, subject to confirmation by a majority of the members of the Village Board. The Village Attorney shall serve at the pleasure of the Board.

(b) **Duties.** The Village Attorney shall have the following duties:
   (1) The Village Attorney shall conduct all of the legal business in which the Village is interested.
   (2) He shall, when requested by Village officers, give written legal opinions, which shall be filed with the Village
   (3) He shall draft ordinances, bonds and other instruments as may be required by Village Officers.
   (4) He may appoint an assistant, who shall have power to perform his duties and for whose acts he shall be responsible to the village. Such assistant shall receive no compensation from the Village, unless previous 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 and attend meetings at the request of the Village Board.

SEC. 2-3-5 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 hall be filed in the office of the Village Clerk-Treasurer and shall hold office for one year. The Weed Commissioner shall hold office pursuant to and fulfill the duties set out in state law.

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

SEC. 2-3-6 DIRECTOR OF PUBLIC WORKS.

(a) **Appointment.** The Director of Public Works shall be appointed by majority vote of the Village Board, on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.
(b) **Term.** The Director of Public Works shall have an indefinite term of office.
(c) **Duties and Powers.** The Director of Public Works shall have the following duties and powers:
  (1) He shall have general charge and supervision of all public works in the Village.
  (2) He shall be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutter, sidewalks, bridges, street signs, storm sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
  (3) He shall have charge of all public services, including garbage and refuse collection and disposal, snow and ice removal, street cleaning and flushing, mosquito and rodent control.
  (4) He shall perform such other activities and duties as are imposed upon him from time to time by the Village Board, his job description or employment contract.

SEC. 2-3-7 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 Statues which relate to the selection and tenure of the Village Assessor, and which are in conflict with this section (Charter Ordinance).
(b) Hereafter, instead of being elected, the Assessor or assessing firm shall be appointed by majority vote of the Village Board. A corporation or an independent contractor may be appointed as the Village Assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under Sec. 19.01, Wis. Stat., 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 has been granted the appropriate certification under Sec. 73.09, Wis. Stats. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.
(c) The Assessor shall have a term of office as prescribed by contract, subject to removal under Sec. 17.14(1), Wis. Stats.

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

SEC. 2-3-8 CHIEF OF POLICE.

(a) Appointment.
(1) The Chief of Police shall be appointed by a majority vote of the Village Board and shall hold office during satisfactory performance, subject to suspension or removal by the Board pursuant to law.

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

(b) **General Duties.** The Chief of Police shall:
(1) Have command of the Police Department of the Village under direction of the Village President and Village Board;
(2) Have general administration and control of the Department;
(3) Be responsible for the Department's government, efficiency and general good conduct;
(4) Perform all duties prescribed to him by laws of the State and ordinances of the Village;
(5) Develop Department policies and procedures;
(6) Maintain Department ethics and discipline;
(7) Delegate special assignments or duties to police officers and monitor to see that responsibilities are carried out;
(8) Perform all the duties of a police officer during a portion of every regular shift;
(9) Identify and evaluate ideas to achieve more efficiency and effective operation;
(10) Prepare Department budget request and maintain expenditures within approved budgetary levels;
(11) Authorize overtime work for police officers, with supporting justification provided to the Village President and Village Board, or committee thereof;
(12) Participate in the recruitment, testing and selection of new personnel;
(13) Supervise and participate in the advance and continuing training of policy officers and non-sworn department employees;
(14) Cooperate with county, state and federal officials, and other municipal law enforcement agencies;
(15) Make special reports to the Village Board on request and advise and cooperate with other Village officials in matters of public safety;
(16) Perform other miscellaneous duties as assigned.

State Law Reference: Sec. 62.13, Wis. Stats.

SEC. 2-3-9 FIRE CHIEF.

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

(b) **Duties and Powers.**
(1) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment. He, or his designee, shall be present at fires and command all fire-fighting operations. The Fire Chief may make such further rules, regulations and policies for the government of the Fire Department as he may deem necessary, provided such rules and regulations shall not be inconsistent with the laws of the State of Wisconsin or Department bylaws. The Fire Chief shall, by virtue of his office, hold the office of Fire Inspector or he may delegate a member of the Department to serve as the Fire Inspector.
(2) He shall enforce all fire prevention ordinances of the 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.

(c) **Reports of Chief**. The Fire Chief shall report to the Village Board from time to time at his discretion or upon the request of said Village Board on matters concerning departmental matters and shall

perform such other duties in conformance with his office as may, from time to time, be required of him by the Village Board.

SEC. 2-3-10 BUILDING INSPECTOR.

(a) **Appointment.** The Building Inspector shall be appointed by the Village President, subject to Village Board confirmation. The Building Inspector shall serve at the pleasure of the Village Board.
(b) **Duties.** The Building Inspector shall have the following duties:
  (1) Review plans and applications for building permits;
  (2) Issue permits for new construction, remodeling and demolition of buildings;
  (3) Inspect foundations, frames, roofs, etc., to assure that they meet the requirements of the building code;
  (4) Inspect existing units of dwelling and commercial buildings for zoning occupancy, housing, plumbing, electrical, heating, ventilation, air conditioning and energy code compliance;
  (5) Recommend and advise the public and contractors on code compliance;
  (6) Issue orders to correct discrepancies and code violations;
  (7) Consult with builders, owners and members of the public pertaining to the Village codes and ordinances;
  (8) Report on the status of code enforcement activity to the Village Board;
  (9) Perform other duties as may be directed by the Village Board.
(c) **Right of Entry**. The building inspector or his deputies shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, including plumbing and electrical work.

SEC. 2-3-11 HEALTH OFFICER.

(a) **Selection.** The Village president shall appoint a Health Officer, subject to confirmation by the Village Board. Such Health Officer shall be a physician or, in lieu thereof, a person with training and experience in public health administration with shall meet training and experience requirements established by the State Department of health and Social Services. If the Health Officer is not a physician, the Board of health shall arrange for and provide in addition such services of a physician as may be necessary on either a part-time or full-time basis and provide reasonable compensation therefor. The Health Officer shall serve an indefinite term of office.
(b) **Vacancy.** If a vacancy in the position of Health Officer occurs, the Village President shall immediately appoint a person to fill the position.
(c) **Responsibilities.**
  (1) The Health Officer shall provide such additional rules and regulations as are necessary for the preservation of health, to prevent the spread of communicable diseases, and to cause the removal of all objects detrimental to health and to enforce the health laws. All proposed rules and regulations shall be reported to the Village Board by the Health Officer, and if the Board approves the same by a vote of a majority of its members, they shall have the force and effect of ordinances, including penalty for violation.
  (2) The Health Officer shall, from time to time, recommend to the Village Board such sanitary measures, to be executed by the Village as seem necessary, and shall discharge such other duties as may be imposed upon the Board by ordinance or resolution.

State Law Reference: Sec. 141.015, Wis. Stats; HSS 139.05, Wis. Adm. Code.

SEC. 2-3-12 ELEGIBILTY FOR OFFICE.

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

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

SEC. 2-3-13 OATHS OF OFFICE.

(a) **Requirement**. Within five (5) days after the election or appointment of any Village officers, the Village Clerk-Treasurer shall notify the person so selected thereof. Every person elected or appointed to the office of Village President, Trustee, and Clerk-Treasurer shall within five (5) days after election or notice thereof, when required, take and file the official oath.
(b) **Form, Procedure**. The form, filing and general procedure for the taking of oaths shall be governed by Ch. 19, Subch. 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 Se. 19.21, Wis. Stat., with respect to the care and custody of official property.

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

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

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

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

CHAPTER 5

Boards, Commissions and Committees

2-4-1 Board of Review
2-4-2 Board of Health
2-4-3 Zoning Board of Appeals
2-4-4 Plan Commission
2-4-5 Library Board
2-4-6 General Provisions Regarding Meetings and Public Notice
2-4-7 Residency Required for Service on Boards and Commissions; Attendance Standards

SEC. 2-4-1 BOARD OF REVIEW.

(a) **Composition.** The Board of Review shall consist of the Village President, the Village Clerk-Treasurer, one (1) Village Board member and one (1) citizen member as well as any additional Village Board members who choose to attend.

(b) **Duties**

(1) Duties. The duties and functions of the Board of Review shall be as prescribed in Sec. 70.46 and 70.47, Wis. Stats.

(2) Compensation. Compensation for the members of the Board of Review shall be as is established by the Village Board at the organizational meeting in April.

(c) **Meetings.** In accordance with Sec. 70.47(3)b, Wis. Stats., the Village Board does hereby exercise its right to designate hours for the annual Board of Review proceedings other than those set forth in Sec. 70.47(3)a, and does hereby designate the hours of the annual Board of Review meeting to be 2:00 p.m. to 6:00 p.m. The Board may adjourn from day to day or from time to time, until such time as its business is completed, providing that adequate notice of each adjournment is so given.

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

SEC 2-4-2 BOARD OF HEALTH.

(a) **Composition**. The Board of health shall consist of the Village Board's Health Committee.

(b) **Responsibilities**.

(1) The Board of Health shall take such measures as shall be most effectual for the preservation of the public health. It shall be the duty of the Board of Health to assume the general administration of health and sanitation laws and regulations in the Village and to attend to the administration and enforcement of the health laws of the State and the rules and regulation prescribed by the State Board of health and the ordinances of the Village.

(2) The Board shall take such measures and make such rules and regulations as public health in the Village. All orders and regulations of the Board shall be published in the office newspaper and after publication, shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Sec. 141.015, Wis. Stats.

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

(a) **Establishment**. A Zoning Board of Appeals shall be appointed and governed by the State zoning enabling law as contained in Sec. 62.23, Wis. Stats., the Village Zoning Code and ordinances and this Section. The laws of the State or Village shall consist of five (5) citizen members, appointed by the Village President subject to confirmation by the Village Board, for a three (3) year term of office. The members shall serve with compensation as determined by the Village Board and shall be removable by the Village Board for cause upon written charges and upon public hearing. The Village president shall designate one of the members chairmen.

(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. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

(4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of the Zoning Code, for such purposes which are reasonably necessary for public convenience and welfare.

(5) The Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed form or to decide in favor of the applicant on any matter on which it is required to pass, or to affect any variation in the requirements of the Zoning Coe. The grounds of every such determination shall be stated and recorded. No order of 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 alternation 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 and public inspection in the Board's office.

(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 or 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 Statures.
(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 or records, documents, and accounts.

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

SEC. 2-4-4 PLAN COMMISSION.

(a) **Composition**. The Village Plan Commission shall consist of the Village President, one (1) Trustee and five (5) citizens. The Village President shall be the Commission's presiding officer. The Village Engineer shall serve in an ex officio capacity.
(b) **Appointment**.
(1) Trustee Member. The Trustee member shall be annually appointed by a two-thirds (2/3) vote at the organizational meeting of the Village Board.
(2) Citizen Members. The five (5) regular citizen members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen members shall be appointed upon creation of the Commission and shall hold office for a period of one (1), two (2) and three (3) years, respectively, from the succeeding first day of May and thereafter annually during the month of April, such member shall be appointed for a term of three (3) years.
(c) **Record.** The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Clerk-Treasurer. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
(d) **Duties.**
(1) The Master Plan.
a. The Plan Commission shall make, adopt and, as necessary, amend extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of it boundaries which, in the Plan Commission's judgement, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's

recommendations for such physical development and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public way, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

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

(2) Matters Referred to Plan Commission. The Village Board or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, areas for parking vehicles, or other memorial or public grounds; the location extension, abandonment or authorization for any public utility whether territory over which the Village is given platting jurisdiction by Chapter 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance.

(3) Miscellaneous Powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational professional and other programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of it functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Village Board may refer to the Commission for its consideration and recommendation any matter pertaining to planning and development of land within the Village and within one and one-half (1 ½) miles of the limits of the Village. All plats or replats of any lands within the limits, of the Village or any lands outside the Village and within one and one-half, (1 1/2) miles of the limits of the Village shall be

submitted to the Commission for its recommendation to the Village Board before the same are approved by the Village Board.

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

SEC. 2-4-5 LIBRARY BOARD.

(a) **Membership**. The Library Board shall consist of five (5) members who shall be appointed by the Village President, subject to confirmation by the Village Board. One (1) of such members shall be the Unity School District Administrator or his/her representative; one (1) shall be a Village Trustee; two (2) shall be residents of the Village of Milltown; and one (1) shall be a resident of an adjoining Township. All members shall serve three (3) year terms, such terms to be staggered from May 1, except that the Village Trustee shall serve during his/her term of office. If the Trustee leaves his/her elected position on the Village Board during his/her term on the Library Board, his/her position on the Library Board shall automatically termination upon his/her leaving office and the Village President shall appoint a replacement to fill the unexpired term.

(b) **Powers and Duties**. The Village of Milltown Library Board shall have the powers and duties describing in Sec. 43.58, Wis. Stats. The Library Board shall consult with the Village Board for the purpose of coordinating Library personnel policies with general Village personnel policies.

SEC. 2-4-6 GENERAL PROVISIONS REGARDING MEETINGS AND PUBLIC NOTICE.

(a) **Regular Meetings; Public Notice.** Every Board, Committee and Commission created by or existing under the ordinances of the Village shall:
   (1) Schedule a date, time and place for its meetings;
   (2) Post, or when necessary, publish, notice in or notify the official Village newspaper in advance of each such regular meeting of the date, time, and place thereof, in compliance with state law, thereof; and/or
   (3) Post, at the front door of the Municipal Building, an agenda of the matters to be taken up at such meeting.

(b) **Special Meetings**. Nothing in Subsection (a) shall preclude the calling of a special meeting or dispensing with the publication of notice or such posting of the agenda, for good cause, but such special meetings shall nonetheless comply in all respects with the provisions of Sections 19.81 and 19.89, Wis. Stats.

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

SEC. 2-4-7 RESIDENCY REQUIRED FOR SERVICE ON BOARDS OR COMMISSIONS; ATTENDANCE STANDARDS

(a) **Residency.** No person not a resident of and not residing in the Village shall be appointed in a voting capacity to any Village board, committee or commission. Any board or commission member who moves from the Village shall be removed from such board or commission, but may be appointed to serve in an ex officio capacity.

(b) **Attendance Standard.** Members of board, committees and commissions are required to attend a minimum of two-thirds (2/3) of the meetings in each six (6) month period of their respective bodies, unless excused by the membership of their body. Failure to comply with this Subsection may result in the removal and replacement of the official found to be in noncompliance.

Chapter 5

Ethics Code

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

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 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 Milltown 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 Milltown and by directing disclosure by such officials and employees of private financial and 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 Milltown.

SEC. 2-5-2 DEFINITIONS

The following definitions shall be applicable in this Chapter:

(a) **Public Official.** Means those persons serving in statutory elected or appointed offices provided for in Chapter 61 of the Wisconsin Statues, 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.** Means any person excluded from the definition of a public official who is employed by the Village.

(c) **Anything of Value.** Means any gift, favor, service or promise of future employment, but does not include reasonable fees and honorariums, or the exchange of seasonal anniversary or customary gifts among relatives and friend.
(d) **Business.** Means any corporation, partnership, proprietorship, firm, enterprise franchise, association, organization, self-employed individual or any other legal entity which engages in profit-making activities.
(e) **Immediate Family.** Means:
    (1) A person's spouse; and
    (2) A person's relative by blood, marriage or adoption who receives, directly or indirectly, more than one-half (1/2) support from such person or from whom such person receives, directly or indirectly, more than one-half (1/2) of his support.
(f) **Significant Interest.** Means owning or controlling, directly or indirectly, at least 10 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.
(h) **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.

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

There are certain provisions of the Wisconsin Statues 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 Statues, 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:
(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 the 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 confidentially of their work.

SEC 2-5-6 FAIR AND EQUIP 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 officer or employee in the conduct of the 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.** 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 judgement or action in the performance of official duties.

(b) **Specific Conflicts Enumerated.** No Village 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 official duties or would tend to impair independence of judgement or action in the performance of official duties, unless otherwise permitted by law and unless disclosure is made as hereinafter provided.

(c) **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 interest of the official or employee or others.

(d) **Gifts and Favors**.

(1) No official or employee personally, or through a member of his immediate family, shall accept any gift of a greater value than ten dollars ($10.00), whether in the form of money, service, loan, thing or promise, from any person which may tend to impair his independence of judgement or action in the performance of his duties or grant in the discharge of his duties any improper favor, service or thing of value. However, it is not a conflict of interest for any public official or employee to receive a gift or gratuity that is an unsolicited item of nominal intrinsic value of less than ten dollars ($10.00), such as a meal. Any official or employee who receives directly or indirectly, any gift or gifts having an aggregate value of more than thirty dollars ($30.00) within any calendar year from any person who is known by said official or employee to be interested directly or indirectly, in any manner whatsoever in business dealing with the Village upon which the official or employee has any influence or input or over which the official or employee has any jurisdiction, discretion or control shall disclose the nature and value of such gifts to the Village Board by January 15 next following the year in which the gift or gifts are received.

(2) No official or employee, personally or through a member of his immediate family, may solicit or accept, either directly or indirectly, from any person or organization, money or anything of value if it could reasonable by expected to influence the employee's official actions or judgement or be considered a reward for any action or inaction on the part of the official or employee.

(3) An official or employee is not to accept hospitality if, after consideration of the surrounding circumstances, it could reasonable 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, or employee. Participation in celebrations, grand openings, open houses information 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.

(4) Gifts received by an official or employee or his immediate family under unusual circumstances shall be referred to the Village Board within ten (10) days of receipt for recommended disposition. Any person subject to this Chapter who becomes aware that he is or has been offered any gift, the acceptance of which would constitute a violation of this Subsection, shall within ten (10) days, disclose the details surrounding said offer to the Village Board. Failure to comply with this reporting requirement shall constitute an offense under this Chapter.

(e) **Representing Private Interests before Village Agencies or Courts.** No official or employee shall 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. However, members of the Village Board 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.

(f) **Ad Hoc Committee Exceptions.** No violation 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 Village official or employee who, in his capacity as such officer or employee, participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract with some function requiring the exercise of discretion on his part shall enter into any contract with the Village unless, within the confines of Sec. 946.13 Wis. Stats.:

(1) The contract is awarded through a process of public notice and competitive bidding or the Village Board waives the requirement of the Section after determining that it is in the best interest of the Village to do so.

(2) The provisions of this Subsection shall not apply to the designation of a public depository of public funds.

(h) Disclosure of Interest in legislation.

(1) 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 vote for adoption or defeat of such legislation unless he first discloses this interest.

(2) Any other official or 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 or employee has any influence or input or of which the official or employee 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 vote for adoption or defeat of such legislation unless he first discloses this interest.

SEC. 2-5-8 ADVISORY OPINIONS

Any questions as to the interpretation of any provision of this Code of Ethics Chapter shall be referred to the Ethics Board, which, if it deems it necessary or appropriate, may request an advisory opinion from the Village Attorney. Such requests shall be as detailed as possible and shall be made in writing. Advisory request and opinions shall be kept confidential, except when disclosure is authorized by the requestor, in which case the request and opinion may be made public.

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 an employee's spouse, relative by blood, marriage or adoption, and any person who receives more than one –half (1/2) of his or her support, either directly or indirectly, from the employee or any person from whom the employee receives, either directly or indirectly, more than one-half (1/2) of his or her support.

(b) Hiring a relative or the former spouse of any current Village employee or elected Village official is discouraged and will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant special consideration in selecting someone to fill a position. It is required that either the current employee or the relative seeking employment will make the relationship known to the hiring authority before a hiring decision is made; in every case, the decision to hire a relative or former spouse will be made; in every case, the decision to hire a relative or former spouse will be subject to Village Board approval before the new employee is permitted to begin work. Marriage between two (2) individuals already employed by the Village or their relatives will not be considered a violation of this policy.

(c) This section does not apply to a 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 relatives if currently employed or being considered for employment by the Village.

TITLE 3

Finance and Public Records

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

CHAPTER 1

Finance

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

SEC. 3-1-1 PREPERATION OF TAX ROLL AND TAX TECEIPTS.

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

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

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

(a) **Bond Eliminated.** The Village of Milltown elects not to give the bond on the Village Clerk-Treasurer, as provided for by Sec. 70.67(1), Wis. Stats.
(b) **Village Liable for Default of Treasurer.** Pursuant to Sec. 70.67(2), Wis. Stats., the Village shall be obligated to pay, in case the Village Clerk-Treasurer shall fail to do so, all state and county taxes required by law to be paid by such Clerk-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 President and Village Clerk-Treasure, 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 prescribing by the Village President and Village Clerk-Treasure 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 President, with the assistance of the Village Clerk-Treasurer and the Finance Committee, shall consider such departmental estimates in consultation with the department head, and recommend to the Village Board a budget amount for such department or activity. The Village President, Finance Committee and Villager Clerk-Treasurer shall consider the budget recommendations submitted in developing a proposed budget for submission to the Village Board.

(c) **Form of Proposed Budget.**

(1) The actual expenditures of each department and activity fort 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 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 President shall make a budget report to the Village Board no later than October 20th. The report shall include the estimated cost of improvements as well as the estimated cost of operating the various departments and all other costs, including interest charges, for which money will have to be raised by taxation during the following year. The Village President shall submit to the Board at the time the annual budget is submitted the draft of an appropriation ordinance providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation ordinance to the Board it shall be deemed to have been regularly introduced therein.

(2) A summary of such budget and notice of the time and place where such budget and detail is available for public inspection and notice of the time and place for 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.

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. Notice of such transfer shall be given by publication within eight days thereafter in the official Village newspaper.

SEC. 3-1-5 VILLAGE FUNDS TO BE SPENT IN ACCORDANCE WITH APPROPRIATION.

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

SEC. 3-1-6 FISCAL YEAR.

The calendar year shall be the fiscal year.

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

SEC. 3-1-7 PUBLIC DEPOSITORIES.

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

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

SEC. 3-1-8 CLAIMS AGAINST VILLAGE.

(a) **Claims to Be Certified.** Prior to submission of any account, demand or claim to the Village Board for approval of payment, the Village Clerk-Treasurer shall certify, or cause to be endorsed thereon or on attached papers, that the following conditions have been complied with:
   (1) That funds are available therefore pursuant to the budget.
   (2) That the item or service was duly authorized by the proper official or agency and has been received or rendered in accordance with the purchasing agreement.
   (3) That the claim is accurate in amount and a proper charge against the treasury.

(b) **Village Board to Audit Accounts.**
   (1) No discretionary account or demand against the Village, except as provided in Subsection (c) of this Section, shall be paid until it has been passed upon by the Village Board and an order drawn on the Village Clerk-Treasurer therefor. Every such account shall be itemized and certified as provided in Subsection (a).
   (2) After auditing, the Village Board shall cause to be endorsed by the Village Clerk-Treasurer, on each account, the Board's approval, as the fact is adding the amount allowed or specifying the items or parts of items an order signed by the Village President and countersigned by the Village Clerk-Treasurer, except those payments of regular wages or salaries shall be as provided in Subsection (c) below. The minutes of the proceedings of the Board, or a statement attached thereto, shall show to whom, and for what purpose, every such account was allowed and the amount.

(c) **Payment of Regular Wages and Nondiscretionary Claims**. Regular wages or salaries of Village officers and employees shall be paid by payroll, verified by the proper Village official, department head, board or commission and filed with the Village Clerk-Treasurer in time for payment on the regular pay day. Nondiscretionary, routine claims (utility statements, insurance, etc.) may be paid by the Village Clerk-Treasurer without following the procedures of Subsections (a) and (b) above.

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

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

The Village 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 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 or his deputies shall make out a receipt in duplicate for the treasury and credit the proper account. The payment of the money to any receiving agent of the Village, to the Village or to the Village 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, electric and sewer bills, current water, electric and sewer bills, contemplated improvements, floodplain status, violations of the building and health codes and similar information. Any such information sough 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.

SEC. 3-1-12 BIDDING PROCEDURES.

(a) **Adoption of Village Bidding Procedures**. Pursuant to Sec. 61.56, Wis. Stats., the Village does hereby provide that as a complete alternative to the requirements of Sections 61.54 and 61.55 of the Wisconsin Statues and in lieu thereof, that the provisions of Sec. 62.15, Wis. Stats., shall be applicable to all Village contracts for public construction over ten thousand dollars ($10,000.00). The authority vested in the Board of Public Works by Sec. 62.15 of the Wisconsin Statues shall be exercised by the Village Board or by a committee designated by the Village Board.

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

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

SEC. 3-1-13 BID SOLICITATION PROCEDURES.

(a) **Definitions.**

(1) Verbal Quotation Form. The Village solicits verbal quotations on items the Village purchases, which are ten thousand dollars ($10,000.00) or less. The results of the verbal quotations are recorded on a memorandum of verbal quotation form.

(2) Informal Quotation. An informal quotation is a written request for quotation sent to vendors. The informal quotation is used for the purchase of goods and services in an amount ten thousand dollars ($10,000.00) or less.

(3) Formal Bid. The formal bid procedure is used for purchasing goods and services in an amount over ten thousand dollars ($10,000.00) and in some instances in amounts less than this amount. The formal bid procedure requires a legal public notice and contains detailed, written specifications regarding the goods and services to be purchased and a number of specific conditions associated with the purchase.

(b) **Bid Solicitation.**

(1) Competitive bids or quotations shall be obtained before contracting to purchase articles, goods, wares, material services or merchandise which amount in bulk to more than one thousand dollars ($1,000.00). Purchases up to one thousand dollars ($1,000.00) may be made by telephone quotations, informal written quotations or formal bid. Purchases from one thousand dollars ($1,000.00) to and including ten thousand dollars ($10,000.00) shall be made by written quotation, telephone quotation or formal bid. Purchases over ten thousand dollars

($10,000.00), pursuant to Subsection (a) above, shall be made by formal bid unless exempted from it by action of the Village Board.

(2) Verbal quotations for goods and services shall be secured from at least two (2) qualified vendors and the results of the quotations shall be recorded on the "Memorandum of Verbal Quotation" form and signed by the person receiving the quotations.

(3) Informal requests for written quotations shall be solicited from at least three (3) qualified bidders on the request for quotation form. All written request for quotations shall be issued by the Village Clerk-Treasurer and returned to and analyzed by the Village Clerk-Treasurer. 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 numbers.
   (b) A detailed description of the goods and services required, including enough information about the items or services requited so that more than one (1) vendor can meet the specification.
   (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.

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 Assessments
3-2-4 Exemptions; Deductions
3-2-5 Notice of Proposed or Approved Project
3-2-6 Board Actions after Hearing
3-2-7 Combined Assessments
3-2-8 Board's Power to Amend, Cancel or Confirm Special Assessment
3-2-9 Where Cost of Improvement is Less Than Assessment
3-2-10 Appealed Assessments Payable When Due
3-2-11 Special Assessment a Lien on Property
3-2-12 Special Charges permissible
3-2-13 Miscellaneous Provisions

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

(a) The Village of Milltown, 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 on 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 t 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 specification.
   (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 rending 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. 3-2-4 EXEMPTIONS; DEDUCTIONS.

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

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

SEC. 3-2-5 NOTICE OF PROPOSED OR APPOROVED 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 specification 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.
(3) 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 property made, subject to the right of appeal by Section 66.60(12), Wis. Stats., or any other applicable provision of law.

SEC. 3-2-7 COMBINED ASSESSMENTS.

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

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

If after completion or after the receipt of bids, the actual cost of any work or improvement is found to very materially from the original estimate, or the assessment if 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. 3-2-9 WHERE COST OF IMPROVEMENT IS LESS THAN ASSESSMENT

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

SEC. 3-2-10 APPEALED ASSESSMENTS PAYABLE WHEN DUE.

Pursuant to Subsection (12)(f) 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 statue.

SEC. 3-2-11 SPECIAL ASSESSMENT A LIEN ON PROPERTY.

Pursuant to Subsection (13) of Sec. 66.60, Wis. Stats., any special assessment levied under this Chapter shall be a lien on the property against which it is levied on behalf of the Village. The Village Boards shall provide for the collection of such assessments and may establish penalties for payment after the due date. The Village Boards 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.

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

SEC. 3-2-13 MISCELLANEOUS PROVISIONS.

(a) If any assessment or charge levied under this Chapter is invalid because such statues 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 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 specification, contracting for the work or completing the work or improvement.

CHAPTER 3

Public Records

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

SEC. 3-3-1 DEFINITIONS

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

Authority	Designated Legal Custodian
Village Assessor's Office	Village Assessor
General Village Records (Including Board Records)	Village Clerk-Treasurer
Village Financial Information	Village Clerk-Treasurer
Building Inspector's Office	Village Building Inspector
Fire Department	Fire Chief
Police Department	Chief of Police
Village Attorney's Office	Village Attorney

(c) For every authority not specified in Subsections (a) and (b), the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his or her staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in his or her absence or in the absence of his or her designee, and each legal custodian shall send notice of the designated deputy to the Village 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 cents ($.20) to defray the cost of copying records.
    (1) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
    (2) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audio and video-tapes, shall be charged.
    (3) If mailing or shipping is necessary, the actual cost thereof shall also be charged.
    (4) There shall be no charge for locating a record unless the actual cost therefor exceeds fifty dollars ($50.00), in which case the actual cost shall be determined by the legal custodian and billed to the requester.
    (5) The legal custodian shall estimate the cost of all applicable fees and shall require a cash deposit adequate to assure payment, if such estimate exceeds five dollars ($5.00).
    (6) Elected and appointed officials of the Village shall not be required to pay for public records that 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 deduction 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 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 (5) 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(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 a 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.

(e) Whenever the Assessor, in the performance of the Assessors duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor stature 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 and 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 and use by the Board of Review in performance of it official duties; or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

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 bureau of municipal audit or an auditor licenses 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 licenses under Chapter 442 of the Wisconsin Statues, subject to State Public Service Commission's 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 appear 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 a department or division of Village government may, subject to the approval of the Village Clerk-Treasurer, keep ad 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 files for 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 Milltown 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 probably future function exists for it; or
    (b) The Village no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
    (c) The item is no longer able to reliably or economically perform the work required of it.
  (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Village property shall not include property which is obtained by the Village as a result of abandonment or loss by the property's original owner. Surplus Village property shall not include items of property which are traded in for newer items. Surplus Village property shall not include library materials used by the public library for lending purposes.

(b) **Determination of Surplus Village Property**.
  (1) Whenever an item of Village property is determined to be surplus Village property on the basis that the Village no longer performs the service for which the item was purchased, the Village Board shall determine whether or not the item is surplus Village property.
  (2) Whenever the fair market value of the item is more than five thousand 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;
    (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 as a Class 2 notice in the official Village newspaper.

(5) Whenever the fair market value of an item is five hundred dollars ($500.00) or less and the Village Board has determined, pursuant to the previous Section, that it is surplus Village property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.

(d) **Determination of Fair market Values.**

Whenever this Chapter requires a determination of the fair market value of an item of property, That determination shall be made by the department head responsible for the property, whose decision shall be final.

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

(1) Except for library materials used by the public library for lending purposes, only the Village Board may dispose of Village property which is not surplus Village property.

(3) Whenever this Section provides for an auction or other disposition of a 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 8, Chapter 4, of this Code of Ordinances.

(b) Intoxicating Liquor and Fermented Malt Beverages: Intoxicating liquor and fermented malt beverages shall be destroyed.

(c) Firearms, Ammunition and Explosives: Firearms or ammunition shall be returned to their rightful owner, destroyed, or transferred to the State Crime Laboratory, the division of law enforcement services of the Department of Justice, the Federal Bureau of Investigation or the Alcohol, Tobacco and Firearms bureau of the U.S. Department of Treasury. Any explosive, flammable or other material proving a danger to life or property may be disposed of immediately upon taking possession thereof. The Chief of Police and the Fire Chief, after consulting with the County Sheriff's Department, are hereby authorized to determine the disposal procedure, provided, however, that any such procedure will attempt to return to its rightful owner any such material which appears to have been stolen.

(d) Other Property with a Fair Market Value of One Hundred Dollars ($100.00) or Less: An item of property with a fair market value of one hundred dollars ($100.00) or less shall be destroyed or sold at public auction. Perishable property which deteriorates to a fair market value of more 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 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 DETERMINATION.

Any person aggrieved by an administrative determination of the Village Board or a board, commission, committee, agency, officer or employee of the Village of Milltown 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 DETERMINATION 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 statue 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 statues 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) Judgements and orders of a court.
(f) Determinations made during municipal labor negotiations.
(g) Determination 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 Sections 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. 4-1-6 PERSONS AGGREIVED.

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 his right to have such determination reviewed, that such review may be obtained within thirty (30) days, and the officer or person to whom a request for review shall be addressed.

State Law Reference: Sec. 68.08, 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 practical.

(c) **When to Make Review**. The municipal authority shall review the initial determination with 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 his request for review, or within the time agreed with the municipal authority, written evidence and agreement 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 the right to appeal the decision that appeal may be taken within thirty (39) days and the office or person with whom notice of appeal shall be filled.

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

SEC. 4-1-9 ADMINISTRATIVE APPEAL.

(a) From Initial Determination or Decision on Review.

(1) If the person aggrieved had a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he may elect to follow Sections 4-1-6 through 4-1-8, but is not entitled to a further hearing under Section 4-1-10 unless granted by the municipal authority. He may, however, seek judicial review under Section 4-1-12.

(2) If the person aggrieved did not have a hearing substantially in compliance with Section 4-1-10 when the initial determination was made, he shall follow Sections 4-1-6 through 4-1-8 and may appeal under this Section from the decision made under Section 4-1-8.

(b) **Time with Which Appeal May Be Taken.** Appeal from a decision on review under Section 4-1-8 may be taken within thirty (30) days of notice of such decision.
(c) **How Appeal May Be Taken.** An appeal under this Section may be taken by filing with or mailing to the office or person designated in the municipal authority's decision on review, written notice of appeal.

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

SEC. 4-1-10 HEARING OF 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 ten (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 made may issues 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 the 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 determinant.
(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 supplies to anyone requesting the same at his expense. If the person seeking review established indigence to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the Village and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

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

SEC. 4-1-13 LEGISLATIVE REVIEW

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

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

TITLE 5

Public Safety

Chapter 1 Law Enforcement
Chapter 2 Fire Department
Chapter 3 Fire Prevention
Chapter 4 Emergency Government
Chapter 5 Regulation of Alarm System

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 Hearing Authorities for Suspension or Removal of Law Enforcement Officers
5-1-8 Police Chief's Responsibility for Training
5-1-9 Civilians to Assist

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

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

SEC. 5-1-2 RECORDS AND REPORTS.

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

SEC. 5-1-3 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

(a) Familiarize himself with the ordinances of the Village and the Statues 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 property 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 and appropriate designated committees thereof.
    (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
    (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
    (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
    (5) Plan, organize, staff, direct, and control, in cooperation with the Village Board, all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statues and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
    (6) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
    (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute 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 shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statues.

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

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

SEC. 5-1-6 MAINTENANCE OF PERONNEL RECORDS AND PERFORMANCE EVALUATION.

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

SEC. 5-1-7 HEARING AUTHORIEIES 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 provision of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

SEC. 5-1-8 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING

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

SEC. 5-1-9 CIVILIANS TO ASSIST.

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

CHAPTER 2

Fire Department

5-2-1 Fire Department Organization; Goals of the Department
5-2-2 Impeding Fire Equipment Prohibited
5-2-3 Police Power of the Department; Investigation of Fires
5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
5-2-5 Firemen May Enter Adjacent Property
5-2-6 Duty of Bystanders to Assist
5-2-7 Vehicles to yield Right-of-Way
5-2-8 Interference with Use of Hydrants Prohibited
5-2-9 Smoke Alarms and/or Heat Detectors Required in Rental Dwelling Units
5-2-10 Open Burning
5-2-11 Fire Protection Charges

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

(a) **Fire Department Recognized.** The Milltown Volunteer Fire Department is officially recognized as the Fire Department serving the Village of Milltown, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Milltown Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Milltown.

(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 Milltown Volunteer Fire Department shall be organized and governed pursuant to its bylaws.

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

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

SEC. 5-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

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

(1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.

(2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, except 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 impeded the work of the Department during the progress of a fire.

(b) **Fire Inspection Duties.**

(1) The Fire Chief shall be the Fire Inspector of the Village of Milltown and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.

(2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Milltown at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of the Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provision of the Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such direction for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

(3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1.

(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 Milltown Volunteer Fire Department, and no vehicle shall be driven over

any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(b) **Parking Vehicles near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.

(c) **No Parking near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

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

(a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

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

SEC. 5-2-6 DUTY OF BYSTANDERS TO ASSIST.

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

SEC. 5-2-7 VEHICLES TO YELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus 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 SMOKE ALARMS AND/OR HEAT DETERCTORS REQUIRED IN RENTAL DWELLING UNITS.

(a) **Smoke Detector Devices Required.** The owner of every premise on which is located one (1) or more rental dwelling units within the Village shall install a smoke detection device so located as to protect

the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Village Fire Inspector to protect each sleeping area.

(b) **Definitions.** For the purpose of this Section, the following words and phrases shall have the following meanings:
   (1) Dwelling Unit. A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.

(c) **Installation and Design Standards.**
   (1) The Chief of the Fire Department shall advise the owner of the premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
   (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire protection Association (NFPA) standards, pamphlet #72E edition, and pamphlet #74, 1975 edition and state law. The smoke detector shall be installed, according to the direction and specifications of the manufacturer, in the basement, at the head of any common stairway on each floor level (except attic and storage areas) and in each sleeping area. Installation of a smoke detector in a common hallway leading to the sleeping areas, but not more than six (6) feet from the doorway of each sleeping area may take the place of a smoke detector in each sleeping area adjacent to the hallway.
   (3) All smoke and heat detection devices shall bear the Underwriter's Laboratory seal of approval of Factual Mutual approval. All smoke detection devices shall meet the Underwriters' Laboratory standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
   (4) In multiple-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping are is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosure which will be audible throughout the entire building.
   (5) In multi-building dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in space according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.
   (6) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler and incinerator rooms in a multi-family dwelling.

(d) **Owner Responsible for Installation and Maintenance.** The owner of the dwelling unit shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation of some other authorized qualified individual to assume that responsibility.

State Law Reference: Chapter 101, Wis. Stats.

SEC. 5-2-10 OPEN BURNING.

(a) No person shall set fire upon any land in the municipality without a permit
(b) Burning of any permitted material must be in a fire pit or freestanding fireplace.
(c) Construction and use of fire pits shall meet the following requirements.

1) The diameter of the pit shall not exceed three (3) feet.
2) The rim of the pit shall be lined with rock, concrete, brick, or steel.
3) Fire pits shall be a minimum of 10 feet from any combustible structures.
4) Fire pits must be attended by at least one person 18 years of age or older at all times when a fire is burning.
5) All burning material shall be completely contained inside the fire pit.
6) At no times shall the fire exceed three feet in height. The fire shall produce little detectable smoke, odor, or soot beyond the property line on which the fire is constructed.
7) Fire and embers must be completely extinguished before the fire pit is vacated.

(d) Recreational fires are allowed. Recreational fires are only intended for warming the person or cooking food. Only clean wood or charcoal can be burned for recreational fire.
(e) The burning of brush and leaves is allowed.
(f) Burning permits are required for all fires. Permits shall be obtained from a person or persons, or online, designated by the Village Board. When weather conditions warrant, the Municipal Fire Chief or Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning. Burning restrictions must be checked and in favorable conditions (phone: (888)947-2876 or online at https://dnr.wi.gov/topic/forestfire/restrictions.html)
(g) No fire shall be set when winds are above 10mph.
(h) Any person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability, if any, resulting from damage caused by the fire.
(i) No burning of rubbish, garbage, other household waste or hazardous material is permitted in the Village.

RECOMMENDATIONS:

1) Burn late in the day when the temperature is lower and humidity is higher.

3) Burn when the wind is gentle.

4) Have extinguishing tools on the site before you start the fire.

SEC. 5-2-11 FIRE PROTECTION CHARGES.

(a) The property owners of real estate within the Village of Milltown for which fire protection is provided shall be responsible for the costs of fire calls made to their property in a maximum amount of two hundred fifty dollars ($250.00) per fire call.

(b) For fire calls resulting from burning without a permit, the property owners will be charged one hundred dollars ($100.00) per unit responding, plus ten dollars ($10.00) per hour per man, with a minimum charge of ten dollars ($10.00).

(c) It is the policy of the Village of Milltown to contract with the Milltown Fire Department. Any property owner requesting fire protection directly from any fire department other than that department shall be responsible for up to five hundred dollars ($500.00) per call billed to the Village from the fire call from any authorized fire department. This Section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

(d) The cost of fire calls as outlined above shall be billed by the Village Clerk-Treasurer to the property owner and paid to such Village Clerk-Treasurer within sixty (60) days of the date of the bill. The failure to pay the bill within sixty (60) days will result in interest being charged at a rate of one percent (1%) per month from the date of the bill. Those bills remaining outstanding, including interest, for more than ninety (90) days as of November 1st of any year, shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Sec. 66.60, Wis. Stats.

CHAPTER 3

Fire Prevention Code; Hazardous Materials

5-3-1 Adoption of State Codes
5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
5-3-3 Recovery of Costs of Extinguishing and Cleaning up Fires Involving Hazardous Materials

SEC. 5-3-1 ADOPTION OF STATE CODES.

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

(a) Wis. Adm. Code Ch. ILHR 1; Safety.
(b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
(c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
(d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
(e) Wis. Adm. Code Ch. ILHR 9; Liquefied and Petroleum Gases.
(f) Wis. Adm. Code Ch. ILHR 14; Fire Regulations.
(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. ILRH 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.
(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 INFECTIONS AGENTS; REIMBURSEMENT FOR CLEAN UP OF SPILLS.

(a) **Application.**

(1) All persons, firms or organization s using, researching or producing hazardous materials/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 infections agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
   (a) The name and any commonly used synonym of the infectious agent;
   (b) Address/location where infectious agents are used, researched, stored and/or produced;
   (c) The exact locations where infectious agents are used, researched, stored and/or produced;
   (d) Amount of infectious agent on premises per exact locations;
   (e) Any methods of route of transmission of the infectious agents;
   (f) Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
   (g) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
   (h) Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

(d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Cross Reference: Section 8-2-1.

SEC. 5-3-3 RECOVERTY 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.

Chapter 4

Emergency Government

5-4-1 Policy and purpose
5-4-2 Emergency Management Coordinator
5-4-3 Utilization of Existing Services and Facilities
5-4-4 Emergency Regulations
5-4-5 Mutual Aid Agreements
5-4-6 Declaration of Emergencies
5-4-7 Penalties
5-4-8 Continuity of Government

SEC. 5-4-1 POLICY AND PURPOSE.

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

(b) By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to ensure that preparations will be adequate to copy with such disasters, and to provide for the common defense, to protect the public peace, health, safety and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary:
   (1) To establish a local emergency government organization;
   (2) To provide for the exercise of necessary powers during emergency government emergencies; and
   (3) To provide for the rendering of cooperation and mutual aid between this Village and other political subdivisions.

(c) It is further declared to be the purpose of this Chapter and the policy of the Village that all emergency government functions of this Village be coordinated to the maximum extent practicable with existing services and facilities of this Village and with comparable functions of the federal, state and county government and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disaster that may occur.

SEC. 5-4-2 EMERGENCY MANAGEMENT COORDINATOR.

(a) **Appointment.** The County/Municipal Emergency Management Coordinator appointed and employed by Polk County is hereby designated and appointed Emergency Management Coordinator of the Municipal Corporation of the Village of Milltown, subject to the conditions and provisions set forth in Wisconsin Statutes and the Polk County Emergency Management program and any subsequent amendments.

(b) **Duties and Authority of Director.**
   (1) The Director shall be the executive head of the emergency government organization and shall have direct responsibility for the organization, administration and operation of the emergency government organization, subject to the direction and control of the Village President and the Village Board. He/she shall coordinate all activities for emergency government within the

Village and shall maintain liaison and cooperate with emergency government agencies, and organizations of other political subdivisions and of the state and federal government, and shall participate in county and state emergency government activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this Chapter and as may, from time to time, be required by the Village Board.

(2) The Director shall prepare a comprehensive general plan for the emergency government of the Village and shall present such plan to the Village Board for its approval. When the Village Board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the Village to perform the duties and functions assigned by the plan as approved. The plan may be modified in a like manner.

SEC. 5-4-3 UTILIZATION OF EXISTING SERVIES AND FACILITIES.

In preparing and executing the emergency government plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village of Milltown to the maximum extent practicable; and the offices and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Director.

SEC 5-4-4 EMERGENCY REGULATIONS.

Whenever necessary to meet a problem for which adequate regulations have not been adopted by the Village Board, the Village President and, in his/her absence, the Director of Emergency Government, may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in emergency government activities. Such proclamations shall be posted in three (3) public places and may be rescinded by the Village Board by resolution at any time.

SEC. 5-4-6 DECLARATION OF EMERGENCIES.

(a) Upon the declaration by the Governor, by the Village President or the Emergency Government Director, in the absence of the Village President, or by the Village Board of a state emergency, the Director of Emergency Government shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the emergency government plan.

(b) The emergency government organization shall take action in accordance with emergency government plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Village Board.

SEC. 5-4-7 PENALTIES.

No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter, or do any act forbidden by any order, rule, regulation or plan issued pursuant to this Chapter. Any person violating this Section shall be subject to a penalty as prescribed in Section 1-1-6.

SEC. 5-4-8 CONTINUITY OF GOVERNMENT.

The Village Board shall, from time to time, designate in writing the successor and an alternate successor for each Village officer and the head of each Village department, who shall perform his/her duties and have his/her powers only during such period of time as the officer or department head is unable to act in his/her official capacity due to an emergency government crisis. Such written designation shall set forth a name, address and telephone number of each successor and alternate successor and the same shall be filed with the Village Clerk-Treasurer and a copy thereof filed with the emergency government Director.

CHAPTER 5

Regulation of Alarm System

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

SEC. 5-5-1 TITLE.

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

SEC. 5-5-2 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 and enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

SEC. 5-5-3 DEFINITIONS.

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

(a) The term “alarm business” means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
(b) The term “alarm system” means an assembly of equipment and devices or single device such as a solid-state unity 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” as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.

(c) The term “annunciator” means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
(d) The term “answering service” refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employee’s emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
(e) The term “automatic dialing device” refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
(f) The term “automatic holdup alarm system” means an alarm system in which the signal transmission is initiated by the action of the robber.
(g) The term “manual holdup alarm system” refers to an alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
(h) The term “burglar alarm system” refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
(i) The term “direct connect” means an alarm system which has the capability of transmitting system signals to the Police or Fire Department.
(j) The term “false alarm” means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
(k) The term “interconnect” means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
(l) The term “central station” means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
(m) The term “primary trunk line” means a telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of such by a specifi8c number included amount the emergency numbers listed in the telephone directory or numbers in sequence therewith.
(n) The term “subscriber” means a person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitory and/or service the alarm system.

SEC. 5-5-4 ADMINISTRATIVE RULES.

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

SEC. 5-5-5 AUTOMATICE 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. 5-5-6 DIRECT CONNECTIONS TO THE POLICE DEPARTMENT.

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

SEC. 5-5-7 TESTING.

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

SEC. 5-5-8 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. 5-5-9 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 may be required to pay 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, in addition to a police response:

a. First two (2) false alarms for a location — No Charge
b. Third (3rd) and subsequent false alarm per location — $100.00

This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm". Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charges(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) volatile 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 their 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. 5-5-10 VILLAGE LIABILITY.

The Village of Milltown 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 is no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

SEC. 5-5-11 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-dollar ($10.00) permit fee.

(b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.

(c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.

(d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.

(e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 5-5-12.

SEC. 5-5-12 REVOCATION OF PERMITS.

(a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.

(b) **Grounds for Revocation.** The Chief of Police may revoke a permit on the following grounds:
   (1) The application for a permit contains a false statement of a material fact.
   (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
   (3) An alarm system repeatedly actuates false alarms.

(c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the Chief of Police within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Village Board gives its decision. The Village Clerk-Treasurer shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

TITLE 6

Public Works

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

CHAPTER 1

Grades

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

SEC. 6-1-1 ESTABLISHMENT OF GRADES.

(a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by vote by the Village Board 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, where required, shall be considered a part of the improvement, shall be led 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 expenses hereinafter lots or parcels of land, the Village Engineer shall, upon application by 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 Milltown by any means whatsoever unless authorized or instructed to do so by the Village Board or its designee. All such alterations of grade shall be recorded in the office of the Village Clerk-Treasurer.

SEC. 6-1-3 REGULATION OF UNDERGROUND UTILTIES.

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

(b) **Approval of Location.** The location of any and all such underground construction must have the approval of the Village Board or its designee.

(c) **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the Village Board or its designee before construction can begin.

(d) **Inspection.** On request of the Village Board or its designee, the utility company must provide opportunity for him to check any construction before it may be covered.

(e) **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction, or of the storm sewer, at the election of the Village Board or its designee and in accordance with his directions and specification.

(f) **Establishment of Grade.** At the request of the utility company, the Village Board or its designee shall give the utility company an established grade on any streets, alleys, public parks, or easements where it proposes to install underground utilities.

(g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Village Board or its designee as soon thereafter as is reasonable 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 provision of Sections 6-2-3 and 6-2-4.

(i) **Non-Relief from Obligations**. Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travel way, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation or removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

CHAPTER 2

Streets and Sidewalks

6-2-1 Removal of Rubbish and Dirt from Sidewalks
6-2-2 Construction and Repair of Sidewalks
6-2-3 Excavations of Streets, Alleys, Public Ways and Grounds
6-2-4 Regulations Governing Excavations and Openings
6-2-5 Obstructions and Encroachments
6-2-6 Street Privilege Permit
6-2-7 Snow and Ice Removal
6-2-8 Terrace Areas
6-2-9 Vaults
6-2-10 Requests for Improvements
6-2-11 Unlawful Dumping on Streets
6-2-12 Obstruction of Public Ditches
6-2-13 Curb and Gutter

SEC. 6-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village 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 CONSTRUCTIN AND REPAIR OF SIDEWALKS.

(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 Costs.** Where required by the Village Board, the Village shall pay the cost to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Milltown. Sidewalks in new subdivision shall be installed pursuant to the Village's Subdivision Ordinance.

(c) **Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Milltown 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 specification 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.

(5) Jointing. Expansion joints one-half (1/2) inch thick and four (4) feet in 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 strep of street property left between the property line and the edge of the sidewalk.

(7) Width and Thickness. Residential walks shall be four (4) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this Section. The width of sidewalks in front of commercial or industrial establishments shall be as determined by the Village Board and be five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches. Where possible, sidewalks shall be located nine (9) feet from the curb. 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) Curing. 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 Engineer.

(e) **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 build 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

Milltown without a permit therefor from the Village Board, or its designee, 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 Board or its designee, at the time the permit is applies 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 Board or its designee 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 its designee.

(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 Board or it designee and payment of a five-dollar ($5.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Village Board or its designee.

(f) **Village Standard Fees.**

(1) Village Standards. All street work shall be performed in accordance with the current standard specification 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 evident that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than $500,000 per one (1) person, $500,000 for one (1) accident and property damage coverage of not less than $500,000. The policy shall name the Village of Milltown as the third party insured.

(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 Milltown 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 opening 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 drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.

(2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.

(3) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in an amount determined by the Village Board.

(4) Whenever the Village Board shall find that any such work has become defective within one (1) year of the date of completion, he shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village 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 devise 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 Village Board or its designee, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit lying 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 all 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 or any necessary precaution against injury or damage to person, 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 even traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.

(4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).

(5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g).

(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 opening on the permit application form. The Village Board or its designee shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

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

(4) The Village Board or its designee 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 provision made for street drainage, and natural water-courses shall not be obstructed.

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

(e) **Backfilling.**

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

(2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Village Board or its designee, 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

(4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer twelve (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 re-compacted by the permittee. The cost of any retesting shall be paid by the permittee.

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

(f) **Notice.** It shall be the duty of the permittee to notify the Village Clerk-Treasurer and all public and private individuals, firms and corporation affected by the work to be done at least one (1) business day

before such work is to commence. The Village Clerk- Treasurer 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 Gradation 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 replace 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 may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Police Department immediately.

(i) **Excavation in New Streets Limited.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village 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 thrifty (30) days. After such permanent improvements 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 () 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 or Village Board 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 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 deter mines 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. (e)

(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 Statues.

(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 for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The Village Clerk-Treasurer shall request advisory recommendations from the Chief of Police and Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.

(b) **Bond.** 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 Village President not exceeding five thousand dollars ($5,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. The Village President 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, 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 direction.

(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 buildings or structure shall be as continuous as practicable until completed and, if ordered by the Chief of Police, 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 Chief of Police.

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

(e) **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village 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 Chief of Police or Building Inspector to do so, it shall be the duty of the Chief of Police or Building Inspector to remove such

obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

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

SEC. 6-2-7 SNOW AND ICE REMOVAL

(a) **Removal from Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.

(b) **Notice and Removal of Snow from Sidewalks.** If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep said sidewalk clear of snow and ice as set forth in Subsection (a), Village law enforcement officers and other designated Village officials and employees shall take the following action:
(1) Hazardous Conditions. If a Village law enforcement officer and other designated Village officials and employees determine that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he shall cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow and ice be removed within two (2) hours from the delivery of the notice. In the event the property owner, occupant or person in charge of said parcel or lot is unavailable to receive a written notice, the police officer and other designated Village officials and employees shall immediately cause the removal of the snow and/or ice. The police officer and other designated Village officials and employees shall send a written notice to the last-known address of the property owner notifying him that a hazardous condition existed which required immediate abatement.
(2) Non-Hazardous Conditions. If the owner, occupant or person in charge of the subject parcel or lot fails to remove the snow within the time period established in Subsection (a), the police officer and other designated Village owner, occupant or person in charge of the subject parcel or lot directing the responsible person (as defined) to remove said snow and ice no later than 12:00 noon of the day following the issuance of said notice. The written notice shall be hand delivered when possible or mailed to the last-known address of the owner of the subject property as identified on the records in the Village Clerk-Treasurer's office.
(3) Snow and Ice Not to Encroach. No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the public streets.

(c) **Enforcement.** 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.** An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be 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 onto the tax roll as a special tax as provided by Sec. 66.615(5), Wis. Stats.

(g) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation who violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.

State Law Reference: Sections 66.60(16) and 66.615(3)(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 1st 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 CURB AND GUTTER.

(a) **Special Assessments and Charges**. The Village may, at any time, construct or have constructed curb and gutter in the Village. As a complete alternative to any other methods provided by law, the Village may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.60 and/or 66.62, Wis. Stats.

(b) **Alternative Methods**.

(1) Petition. Any taxpayer and property owner in the Village may petition the Village for the installation of curb and gutter abutting property owned by said petitioner in said Village.

a. Requirements of Petition. The petition for the installation of new curb and gutter where none previous exists shall state that each petitioner individually shall further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay the total costs of installation of said curb and gutter to include surveying and other contingent expenses. In the case of a newly approved subdivision, the subdivider shall pay the entire cost of required curb and gutter construction, as required by Title 14 of this Code.

b. Effect of Petition. In the event a petition for the installation of curb and gutter is presented to the Village Board, the Board shall have the exclusive discretion to accept or reject the same. The Board may refer said petition, may table it, but in any event, they shall act upon the same in some manner within six (6) months of receipt of said petition.

(2) Resolution of Intent. In the event of the Village should desire to construct curb and gutter in any area of the Village, the Village Board may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.60, Wis. Stats.

(c) **Types of Curbs and Gutter**. All curbs and gutters shall conform to the construction standards adopted by the Village Board, on file with the Village Clerk-Treasurer.

(d) **Liability for Repair Thereof**. Wherever curb and gutter exist, all property owners receiving the benefits thereof shall be responsible and liable for fifty percent (50%) of the cost of replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts.

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

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 of Milltown 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 Milltown 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 other applicable Village ordinance.

(d) **Application provision.** 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 road.

(3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Village of Milltown, 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 location 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 vehicle 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) Culverts. Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a twelve-inch (12) diameter pipe. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection (7) hereof. Culverts shall be paid for by the property owner.

(6) Reconstruction of Sidewalks and Curb and Gutter. When the construction of a driveway required the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

(7) Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

a. The filling or draining shall be to grades approved by the Village 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 Board.

(8) 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.

(9) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.

(10) Variances. 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 forty-five degrees (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 Milltown except as permitted by this Section. As used herein the work “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 from highway signs or signals

(3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
(4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
(5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

CHAPTER 4

Trees and Shrubs

6-4-1 Statement of Policy 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 Statues

SEC. 6-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

(a) **Intent and Purpose.** It is the policy of the Village of Milltown to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.

(b) **Application.** The provisions of this Chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

SEC. 6-4-2 DEFINITIONS.

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

(a) **Person**. "Person" shall mean person, firm, association or corporation.

(b) **Public Areas**. "Public Areas" includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.

(c) **Public Trees and Shrubs**. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.

(d) **Public Nuisance**. "Public Nuisance" means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

(e) **Boulevard or Terrace Areas**. "Boulevard or Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four (4) feet from

the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "boulevard" shall have the same meaning as "terrace". Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.

(f) **Major Alteration**. Trimming a tree beyond necessary trimming to comply with this Chapter

(g) **Shrubs**. "Shrubs" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

(h) **Tree**. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen (16) feet or more.

(i) **Evergreen Tree**. "Evergreen Tree" shall mean 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 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 the 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.

(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 disease.

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) 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 r vectors know to carry such diseases.

(2) Whenever the Forester after inspection or examination shall determine that he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.

(3)

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

b. If, after hearing held pursuant to this Subsection, it shall be determined by the 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 or any spraying operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.

(3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.

(4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

SEC. 6-4-6 ASSESSMENT OF COSTS OF ABATEMENT.

(a) The entire cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Sec. 66.60(16) or Sec. 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park shall be borne by the Village.

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

(1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

(2) Upon receiving the Forester's report, the Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.

(3) After such hearing, the Village Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
(4) The Village 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 proceeding in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
(5) The Village hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

SEC. 6-4-7 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 purpose of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all person 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 or maintain with the Village of Milltown 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 having 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 net tax roll as a special charge against the premises.
(d) **Planting of Certain Trees Restricted**. No person shall hereafter plant any Catalpa, Chinese Elm, 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 Milltown unless he shall first secure written permission from the Village Forester, who shall not approve any such 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 form a list of approved trees compiled by the Village Forester. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-quarter (1 1/4) inches measured at six (6) inches above ground level.

b. The tree shall be planted in a well-prepared hole at the same depth as it was originally growing. All trees less than twelve (12) feet high shall be staked. All trees twelve (12) feet or more in height shall be supported by guy wires in such a way as not to injure the bark. The support shall be removed after a year.

c. The tree shall be kept well-watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village.

(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 <u>not</u> 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) Sic (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 purpose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

SEC. 6-4-8 TRIMMING.

(a) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

(b) The necessity of the pruning may be determined by the Village Forester.

(c) All trees standing upon private property in the Village, the branches of which extend over the line of the street shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.

(d) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.

SEC. 6-4-9 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFIC 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 of occupant of any private place or premises on which there stands a tree or shrub which unreasonable 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 “no parking” signs to trees, when necessary, in conjunction with street improvement work, tree maintenance work or parades.
    (6) Cause or encourage any fire or burning near or around any tree.

(b) **Excavations**. All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.

(c) **Interference with Forester**. No person shall:
   (1) Interfere with or prevent any acts of the Forester of 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 DETERMINATIN 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.

Section 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 Direct Sellers
Chapter 5 Mobile Homes
Chapter 6 Regulation and Licensing of Fireworks
Chapter 7 Street Use Permits
Chapter 8 Dance Halls and Public Dances
Chapter 9 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
7-1-5 Rabies Quarantine
7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals
7-1-7 Impoundment of Animals
7-1-8 Dogs and Cats Restricted on Cemeteries
7-1-9 Duty of Owner in Cases of Dog or Cat Bite
7-1-10 Animal Feces
7-1-11 Injury to Property by Animals
7-1-12 Barking Dogs or Crying Cats
7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects
7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals
7-1-15 Providing Proper Food and Drink to Confined Animals
7-1-16 Providing Proper Shelter
7-1-17 Neglected or Abandoned Animals
7-1-18 Cruelty to Animals and Birds Prohibited
7-1-19 Trapping of Animals
7-1-20 Dognapping and Catnapping
7-1-21 Limitation of Number of Dogs
7-1-22 Keeping of Bees
7-1-23 Penalties

SEC. 7-1-1 DOG LICENSE REQUIRED; DEFINITIONS.

(a) **License Required**. It shall be unlawful for any person in the Village of Milltown 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" shall mean any person owning, harboring or keeping a dog or cat and the occupant of any premises on which, a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
(2) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
(3) "Dog" shall mean any canine, regardless of age or sex.
(4) "Cat" shall mean any feline, regardless of age or sex.
(5) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproduction organs.
(6) "Animal" means mammals, reptiles and birds.
(7) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
(8) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.3
(9) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
(10) "Pet" means an animal kept and treated as a pet.

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

SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.

(a) **Rabies Vaccination**. The owner of a dog 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 Milltown 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. 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 unsprayed, 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 License.

(1) It shall be unlawful for any person in the Village of Milltown 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 Statues, 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. The license year shall commence January 1 and end December 31.

(3) 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.

(4) 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 proved in Section 7-1-2(e).

(5) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Village police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(6) 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 License.

(1) (1) Effective October 11th, 2021 the Milltown Village board has passed an ordinance to remove the option of having a Kennel License. Anyone having a Kennel License on or before October 10th, 2021 will be grandfathered in. As of October 11th, 2021 there will be no Kennel License issued/allowed.

(2) 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 operation of the kennel. Such person shall pay for the license year a license tax of thirty-five dollars ($35.00) for a kennel of twelve (12) or fewer dogs and an additional three dollars ($3.00) and/or eight dollars ($8.00) 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 as a conditional use under the Village's Zoning Code after approval has been obtained from the Village Board, following public hearing.

(3) 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 tags 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 completion, 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.

(4) The term "kennel" means any establishment wherein or whereon more than four (4) dogs are kept.

(5) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food, drink and shelter for the dogs in said kennel or who neglects or abandons said dogs. The Village Board or other designated official 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 provision of chapter 948 of the Wisconsin Statues.

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 al 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 of Milltown 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. A law enforcement or humane officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If quarantine cannot be imposed because the dog or cat cannot by captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(2) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

(d) **Quarantine of Dog or Cat.**

(1) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be 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

(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 eight (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

(b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, property prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditions 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 Milltown 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. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon

establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by law enforcement or humane authorities.

(2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

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

(1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.

(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.

(d) **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 Milltown 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 Milltown 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, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office 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 humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be unknown to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the

animal upon payment of impoundment fees, such fees from the pound without being properly licensed if so required by state law or Village Ordinance.

(d) **Sale of Impounded Animals**. If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.

(e) **Village Not Liable for Impounding Animals**. The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

SEC. 7-1-8 DOGS AND CATS RESTRICTED ON CEMETERIES.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section.

SEC. 7-1-9 DUTY OF OWNER IN CASE OF DOG 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 Clerk-Treasurer and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as a licensed veterinarian shall direct. 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. 7-1-10 ANIMAL FECES.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

SEC. 7-1-11 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate 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 Board or Chief of Police within a four (4) week period.

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

(a) **Protected Animals.**

(1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part of product thereof: all wild cats of the family felidae, polar bear (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochels olivacea), Atlantic green turtle (chelonian mydas), Mexican ridley turtle (lepidochelys kempi).

(2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 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**; **Prohibited 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, 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); ans siamangs (Symphalangus).
(3) Baboons (Papoi, Mandrillus).
(4) Bears (Ursidae).
(5) Bison (Bison).
(6) Cheetahs (Acinonyx jubatus).
(7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
(8) Constrictor snakes, six (6) feet in length or more.
(9) Coyotes (Canis latrans).
(10) Deer (Cervidae); includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
(11) Elephants (Elephas and Loxodonta).
(12) Game cocks and other fighting birds.
(13) Hippopotami (Hippopotamidae).

(14)Hyenas (Hyaenidae).
(15)Jaguars (Panthera leo).
(16)Leopards (Panthera pardus).
(17)Lions (Panthera leo).
(18)Lynxes (Lynx).
(19)Monkeys, old world (Cercopithecidae).
(20)Ostriches (Struthio).
(21)Piranha fish (Characidae).
(22)Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
(23)Rhinoceroses (Rhinocero tidae).
(24)Sharks (class Chondrichthyes).
(25)Snow leopards (Panthera uncia).
(26)Tigers (Panthera tigris).
(27)Wolves (Canis lupus).
(28)Poisonous insects.
(29)Except in non-residential areas, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

(d) **Exceptions; Pet Shops**. The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private education institutions; licensed pet shops; zoological gardens; if:
(1) Their location conforms to the provisions of the zoning ordinance of the Village.
(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
(3) Animals are maintained in quarters so constructed as to prevent their escape.
(4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

SEC. 7-1-14 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

(a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
(b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
(2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, 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 if 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 count 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 humane officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care keeping and medical attention and the expense of notice.
   (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
   (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
   (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

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

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

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

(a) **Acts of Cruelty Prohibited.** No person except a police officer or health or humane officer in the pursuit of his duties shall, within the Village, shoot, or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

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

(c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(d) **Uses 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 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 Milltown to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal.

(b) This Section shall not apply to trapping within the confines of buildings or homes or on nonpublic lands.

(c) Nothing in this Section shall prohibit or hinder the Village of Milltown or its employees or agents from performing their official duties.

SEC. 7-1-20 DOGNAPPING AND CATNAPPING.

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

SEC. 7-1-21 LIMITATION ON NUMBER OF DOGS.

(a) **Purpose.** The keeping of a large number of dogs within the Village of Milltown 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 is, therefore, declared a public nuisance.

(b) **Definitions.**

(1) **Dog.** A dog means any canine, regardless of age or sex.

(2) **Residential Lot.** A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted, and under common ownership, For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

(c) **Number Limited.**

(1) No family shall own, harbor or keep in its possession more than three (3) dogs on any residentially zoned lot, except that a litter of pups or a portion of a litter may be kept for not more than eight (8) weeks from birth.

(2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Village Clerk-Treasurer.

SEC. 7-1-22 KEEPING OF BEES.

(a) Except on agricultural parcels, 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 ten (10) feet to any property boundary.
   (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial. Bees shall not be kept in a front yard area.
   (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
   (4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.

(b) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

SEC. 7-1-23 PENALTIES.

(a) Any person, violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21 or 7-1-22 shall be subject to a forfeiture of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.

(b)
   (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than twenty-five dollars ($25.00) and not more than two hundred dollars ($200.00) for the first offense and not less than one hundred dollars ($100.00) and not more than four hundred dollars ($400.00) for any subsequent offenses.
   (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) or imprisoned not more than sixty (60) days or both.

(c) Any person who violates Section 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00) for the first violation and not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00) for subsequent violations.

CHAPTER 2

Fermented Malt Beverages and Intoxicating Liquor

Article A	Fermented Malt Beverages and Intoxicating Liquor
7-2-1	State Statutes Adopted
7-2-2	Definitions
7-2-3	License Required
7-2-4	Classes of Licenses
7-2-5	License Fees
7-2-6	Application for License
7-2-7	Qualifications of Applicants and Premises
7-2-8	Investigation
7-2-9	Approval of Application
7-2-10	Granting or Denial of License
7-2-11	Transfer and Lapse of License
7-2-12	Numbering of License
7-2-13	Posting licenses; Defacement
7-2-14	Conditions of License
7-2-15	Closing Hours
7-2-16	Restriction on Temporary Fermented Malt Beverage or Wine Licenses
7-2-17	Revocation and Suspension of Licenses; Non-Renewal
7-2-18	Non-Alcohol Events for Underage Persons on Licensed Premises
7-2-19 – 7-2-29	Reserved for Future Use
Article B	Operator's License
7-2-30	Operator's License Required
7-2-31	Procedure upon Application
7-2-32	Duration
7-2-33	Operator's License Fee; Provisional License
7-2-34	Issuance or Denial of Operator's Licenses
7-2-35	Training Course
7-2-36	Display of License
7-2-37	Revocation of Operator's License
7-2-38 - 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 Statues, 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 statue incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statues 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 Beverage" shall have the meaning given them by Chapter 125, Wisconsin Statues.

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 provide in this Chapter nor without complying with all the provisions of this Chapter, and all statues and regulations applicable thereto, except as provided by Sections 125.16, 125.27, 125.28 and 125.51 of the Wisconsin Statues.

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 were 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 were sold or away from such premises. The holder may also sell beverages containing less than one-half (1/2) of a per centum of alcohol by volume, without obtaining a special license to sell such beverages. Such license may be issued after July 1st. The license shall expire on the following June 30th.

(2) Application. Class "B" licenses may be issued to any person qualified under Sec. 125.04(5), Wis. Stats. Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least (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. Stat., temporary "Class B" licenses may be issued to a 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 veteran' 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 dispenses 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 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 or said wholesaler.

(h) **"Class C" Wine License**.

(1) License. A retail "Class C" wine 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 the sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(2) Issuance. 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 under Sec. 125.51(4), Wis. Stats., 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.

(3) Premises. 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 ten dollars ($10.00). 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 fifty dollars ($50.00). 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 twenty-five dollars ($225.00).
(g) **"Class B" Intoxicating Liquor Retailer's License**. The annual fee for this license shall be five hundred dollars ($500.00). 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 fifty dollars ($50.00). 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.

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) **Corporation**. 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 license 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 with ten (10) days after the occurrence thereof.
(e) **License Quotas**. Retail intoxicating liquor and fermented malt beverage licenses issued by the Village Board shall be limited in number to the quota prescribed by state law.

SEC. 7-2-7 QUALIFICATION OF APPLICANTS AND PREMISES.

(a) **Residence Requirements**. A retail Class "A" or Class "B" fermented malt beverage license, "Class C" wine license, 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 who 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 Restriction.**

(1) No license or permit may be issued to any corporation unless the corporation meets the qualification under Sec. 125.04(1)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(1)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(1)2. The requirement that the corporation meet the qualifications under Sec. 125.04(1)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) **Separate License Required for Each Place of Sale**. A separate license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in a direct connection or communication where intoxicating liquor or fermented malt beverages are kept, sold or offered for sale; and no license shall be issued to any person, firm, partnership, corporation or association for the purpose of possession, selling or offering for sale any intoxicating liquors or fermented malt beverages in any dwelling house, flat or residential apartment.

SEC. 7-2-8 INVESTIGATION.

The Village 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 re0inspection 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 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 reserved 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 provision of Sec. 125.04(12), Wis. Stats., a license shall be transferable from one premise to another is 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 another peach 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 provision 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", "Class B" and "Class C" 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", Class "B" or "Class C" licenses shall employ any underage person, as defined in the Wisconsin Statues, but this shall not apply to hotels and restaurants. Family members may work on the licenses premises but are not permitted to sell or dispense alcoholic beverages.

(c) **Disorderly Conduct Prohibited**. Each license 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 he acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the licenses 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" wine 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", "Class B" or "Class C" license shall be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within three hundred (300) feet thereof by any school building, hospital building or church building.

(g) **Clubs**. No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.

(h) **Gambling Prohibited**. Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.

(i) **Credit Prohibited**. No retail Class "A", Class "B", "Class A" or "Class B" liquor or fermented malt beverage or "Class C" wine 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" License**.
   (1) No premises for which a retail "Class B" liquor or Class "B" fermented malt beverage license has been issued shall be permitted to remain open for the sale of liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1st.
   (2) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a)(1) above.

(b) **Carryout Hours.** Between 9:00 p.m. and 8:00 a.m., no person may sell, remove, carry out or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, container 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 Milltown, 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 shall 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) **Postings of Signs and Licenses**. All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any under-age person without proper identification.

(c) **Fencing**. If necessary due to the physical characteristics of the site, the Village Board 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 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.

(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 Milltown. 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 premise 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 times(s) of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a non-alcohol event notice has been given, the licensee may cancel an event(s) only by giving like notice to the Department in accordance with the provisions of this Subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.

(b) During the period of any non-alcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.

(c) Once a non-alcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing hours of the licensed premises.

(d) During the period of any non-alcohol event all alcohol beverages shall be stored in a locked portion of the licensed premises in a secure place out of the sight and physical reach of any patron present and shall be under the direct and immediate control and supervision of the licensee or a licensed bartender in the employ of the licensee. All beer taps and automatic dispensers of alcohol beverages ("speed guns") shall be disconnected, disabled or made inoperable.

SEC. 7-2-19 THROUGH SEC. 7-2-29 RESERVED FOR FUTURE USE.

ARTICLE B

Operator's License

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

(a) **Operator's Licenses; Class "A" or Class "B" Premises.** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A" or Class "B" licensee or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or 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., is valid outside the municipality that 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 service 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 this service.

(b) **Use by another Prohibited.**
   (1) No person may allow another to use his or her Class "A", Class "B" or "Class C" 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 Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant' arrest and conviction records. Based upon such investigation, the Chief of Police shall recommend, in writing, to the Village Board approval or denial of the application. If the Chief of police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

SEC. 7-2-32 DURATION.

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

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

(a) **Fee**. The annual fee for an operator's license shall be two dollars ($2.00) for the term or part thereof and one dollar ($1.00) for a provisional 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 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 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. An operator's license by the Village Board or who has had his operator's license revoked or suspended within the preceding twelve (12) months. The Village Clerk-Treasurer shall provide an appropriate application form to be completed in full by the applicant. The Village Clerk may revoke the provisional license issued if he discovers that the holder of the license made a false statement on the application.

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

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

SEC. 7-2-35 TRAINING COURSE.

(a) Except as provided in Subsection (b) below, the Village Board may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or unless the applicant fulfills ones 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 (1) above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(c) The Village Board may not require that applicants for operators' licenses undergo training in addition to that under Subsection (a), but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection (a).

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

SEC. 7-2-36 DISPLAY OF LICENSE.

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

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

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

SEC. 7-2-38 THROUGH SEC. 7-2-39 RESERVED FOR FUTURE USE.

ARTICLE C

Penalties

SEC. 7-2-40 PENALTIES.

(a) Forfeitures for violations of Secs. 125.07(1)-(5) and 125.09(2) of the Wisconsin Statutes, adopted by reference in Section 7-2-1 of the Code of Ordinances of the Village of Milltown, 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 Milltown, 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 Milltown.

(c) Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

CHAPTER 3

Cigarette License

7-3-1 Cigarette License

SEC. 7-3-1 CIGARETTE LICENSE.

(a) **License Required**. No person, firm or corporation shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of or give away, or keep for sale, any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.

(b) **Application for License; Fee**. Every person, firm or corporation desiring a license under this Section shall file with the Village 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

Direct Sellers

7-4-1 Registration Required
7-4-2 Definitions
7-4-3 Exemptions
7-4-4 Registration
7-4-5 Investigation
7-4-6 Appeal
7-4-7 Regulations of Direct Sellers
7-4-8 Records
7-4-9 Revocation of Registration

SEC. 7-4-1 REGISTRATION REQUIRED.

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

SEC. 7-4-2 DEFINITIONS.

In this Chapter:

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

(b) **Permanent Merchant** means a direct seller who, for at least one (1) year prior to the consideration of the application of this Chapter to said merchant:
(1) Has continuously operated an established place of business in this Village; or
(2) Has continuously resided in this Village and now does business from his/her residence.

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

(d) **Charitable Organization** shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such, but shall not include religious organizations.

(e) **Clerk Treasure** shall mean the Village of Milltown Clerk-Treasurer.

(f) **Person** shall mean all humans of any age or sex, partnerships, corporations, associations, groups, organizations and any other description of a collection of human beings working in concert or for the same purpose or objective.

SEC. 7-4-3 EXEMPTIONS.

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

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

(b) Any person selling goods at wholesale to dealers in such goods;
(c) Any person selling agricultural products which such person has grown;
(d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
(e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;
(f) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
(i) Any employee, officer or agent of a charitable 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., 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.

SEC. 7-4-4 REGISTRATION.

(a) 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 direct seller represents or is employed by, or whose merchandise is being sold;
  (4) Temporary address and telephone number from which business will be conducted, if any;
  (5) Nature of business to be conducted and a brief description of the goods offered and any services offered;
  (6) Proposed method of delivery of goods, if applicable;
  (7) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
  (8) Last cities, villages, town, not to exceed three (3), where applicant conducted similar business just prior to making this registration;
  (9) Place where applicant can be contacted for at least seven (7) days after leaving this Village;
  (10) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five (5) years, the nature of the offence and the place of conviction.
(b) **Documentation.** Applicants shall present to the Village Clerk-Treasurer for examination:
  (1) A driver's license or some other proof of identity as may be reasonable required;

(2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
(3) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than ninety (90) days prior to the date the application for license is made.

(c) **Registration Fee.**
(1) At the time the registration is returned, a fee shall be paid to the Village Clerk-Treasurer to cover the cost of processing said registration. Each and every member of a group must file a separate registration form. The fee for transient merchants or direct sellers shall be five dollars ($5.00) per day or twenty-five dollars ($25.00) per week. The licensee may employ one (1) assistant without extra payment of an additional license.
(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 fee and the signing of said statement, the Village Clerk-Treasurer shall register the applicant as a direct seller 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 Section 7-4-5(b) below.

SEC. 7-4-5 INVESTIGATION

(a) Upon receipt of each application, the Village Clerk-Treasurer may refer it immediately to the Chief of Police, who may make and complete an investigation of the statements made in such registration.
(b) The Village Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three (3), in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five (5) years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of Section 7-4-4(b) above.

SEC. 7-4-6 APPEAL.

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

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

(a) **Prohibited Practices**.
(1) A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 8:00 a.m. except by appointment; calling at any dwelling or other place where a

sign is displayed bearing the words “No Peddlers”, “No Solicitors” or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

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

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

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

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

(b) **Disclosure Requirements.**

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

(2) If any sale of goods is made by a direct seller or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than twenty-five dollars ($25.00), in accordance with the procedure as set forth in Sec. 423.203, Wis. Stats.; the seller shall give the buyer two (2) copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Sections 423.203(1)(a)(b) and (c), (2) and (3), Wis. Stats.

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

SEC. 7-4-8 RECORDS.

Law enforcement officers shall report to the Village Clerk-Treasurer all convictions for violation of this Chapter and the Village 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 on the registrant at least seventy-two (72) hours prior to the time set for the hearing; such notice contains the time and place of hearing and a statement of the acts upon which the hearing will be based.

CHAPTER 5

Mobile Homes

Monthly Parking Fee; Limitation on parking

SEC. 7-5-1 MONTHLY PARKING FEE; LIMITATION ON PARKING

(a) There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Village of Milltown a monthly parking fee as determined in accordance with Sec. 66.058(3) of the Wisconsin Statues which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Village Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the 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) © and € 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 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 Milltown at any site other than a licensed mobile home park.

State Law Reference: Sec. 66.058, Wis. Stats.

Cross Reference: Title 13, Chapter 1, Zoning.

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 fireworks display for which a permit has been issued to a person listed under Subparagraph (c)(3) a-3 or under Subparagraph (c)(3) 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 19 U.S.C. 841 to 848 if the possession of the fireworks is authorized under the license or permit.

(3) Who May Obtain Permit. A permit under this Subsection may be issued only to the following:
a. A public authority.
b. A fair association.
c. An amusement park.
d. A park board.
e. A civic organization.
f. An agricultural producer for the protection of crops from predatory birds or animals.

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

(5) Bond. The Village president issuing a permit under this Subsection shall require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, together with a copy of the permit, shall be filed in the 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. 101(1)(j), Wis. Stats.

Cross Reference: Section 11-2-6

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 p\by persons or groups desiring the same shall be made on a form provided by the Village Clerk-Treasurer and shall be filed with the Village Clerk-Treasurer. The application shall set forth the following information regarding the proposed street use:
   (1) The name, address and telephone number of the applicant or applicants.
   (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
   (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
   (4) The date and duration of time for which the requested use of the street is proposed to occur.
   (5) An accurate description of that portion of the street proposed to be used.
   (6) The approximate number of persons for whom use of the proposed street area is requested.
   (7) The proposed use, described in detail, for which the Street use permit is requested.

(c) **Representative at Meeting.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

(d) **Review by Chief of Police.** Before any application for a Street Use Permit is considered by the Village Board, the application shall be reviewed by the Chief of Police for his recommendation as to the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.

(e) **Mandatory Denial of Street Use permit.** An application for a Street Use Permit shall be denied if:
   (1) The proposed street use is primarily for private or commercial gain.
   (2) The proposed street use would violate any federal or state law or any Ordinance of the Village.
   (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
   (4) The application for a Street Use permit does not contain the information required above.
   (5) The application requests a period for the use of the street in excess of 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 Village Board may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

(f) **Permit Fee.** Each application for a Street Use Permit shall be accompanied by a fee of twenty dollars ($20.00).

(g) **Consent to Issuance of Street Use Permit.** In addition to the fee required by the previous Subsection, each application for a Street Use Permit, except for parades or races sponsored by civic, youth or scout organizations which have been in existence for at least six (6) months, shall be accompanied by a petition designating the propose area of the street to be used and time for said proposed use, said petition to be signed by not less than seven-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

PETITION FOR STREET USE PERMIT

We, the undersigned residents of the _____ hundred block of _____ Street in the Village of Milltown, hereby consent to the _____ recreational or business use of this street between the hours of _____ and _____ on _____, the _____ day of _____, 20__, for the purpose of _____ and do hereby consent to the Village of Milltown to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the Village of Milltown shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than six (6) hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

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

(h) **Insurance**. The applicant for a Street Use Permit may be required to indemnify, defend and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the Village of Milltown. The applicant may be required to furnish a performance bond prior to being granted the permit.

(i) **Termination of a Street use Permit**. A Street Use Permit for an event in progress may be terminated by the Village President or a law enforcement officer if the health, safety and welfare of the public appear 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

Milltown. A law enforcement officer shall have 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___14 street use policy or conditions stated in the permit.

CHAPTER 8

Dance Halls and Public Dances

7-8-1 Definitions
7-8-2 Dance Hall License
7-8-3 Regulation of Dance Halls

SEC. 7-8-1 DEFINITIONS

The following definitions shall be applicable in this Chapter:

(a) **Public Dance**. The term "public dance" or "public hall" as used in this Chapter shall be taken to mean any dance or hall to which admission can be had either without charge or by payment of a fee or by purchase, possession or representation of a ticket or token, or any other dance to which the public generally may gain admission with or without payment of a fee.

(b) **Public Dance Hall**. The term "public dance hall", as used herein, shall mean any room, place or space in which a public dance may be held.

SEC. 7-8-2 DANCE HALL LICENSE.

(a) **License Required.** It shall be unlawful to hold any public dance within the limits of the Village until the dance hall in which the same may be held shall have been duly licensed for such purpose.

(b) **Application for License.** The application for a license shall be filed with the Village Clerk-Treasurer for presentation to the Village Board at any regular or special meeting. The application shall state:
   (1) The location of the dance hall.
   (2) Whether the applicant has been convicted of violating any law or ordinance regulating the conduct of public dance halls.
   (3) The name of the person or corporation owning the premises for which a permit is requested.

(c) **Fees.**
   (1) All such applications shall be accompanied by an annual license fee of twenty dollars ($20.00), which fee shall be returned if a license is denied.
   (2) Such license shall expire on the 30th of June after issuance, and the full fee shall be charged for any license issued before January 1st. For a license issued after January 1st, the fee shall be ten dollars ($10.00).
   (3) A special one (1) night license may be issued by the Village Clerk-Treasurer at a fee of three dollars ($3.00) for each night. Not more than three (3) such licenses shall be granted in any year to the same licensee.

SEC. 7-8-3 REGULATION OF DANCE HALLS.

(a) **Closing Hours.** All public dances shall be discontinued and all public dance halls shall be closed on or before the hour of 1:30 a.m. during the week and 2:30 a.m. on Sunday and shall remain closed until 8:00 a.m. of said day.

(b) **Dancing in Bar Room.** It shall be unlawful to permit dancing in a bar room of any tavern within six (6) feet of any bar, or the area within three (3) feet of any part of an exit door or toilet room

door. The area in which dancing is permitted shall be partitioned off, roped off, or indicated by a line drawn upon the floor.

(c) **Granting License.** No license for public dance halls shall be issued until it shall be determined that the hall conforms to all health and fire regulations of the Village, that it is properly ventilated and supplies with sufficient toilet conveniences and is a safe and proper place for the purpose for which it is to be used.

(d) **Revocation of License**. The license of any public dance shall be revoked by the Village Board, following notice and hearing, for disorderly or improper conduct on the premises or for violation of any of the rules, regulations, ordinances and laws governing or applying to public dance halls or public dances. If at any time the license of a public dance hall is revoked, at least three (3) months shall elapse before another license or permit shall be given for dancing on the same premises to the same licensee.

CHAPTER 9

Licensees to pay Local Claims; Appellate Procedures

Licensees Required to Pay Local Taxes, Assessments and Claims; Appellate procedures

SEC. 7-9-1 LICENSEES 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 Milltown:
   (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 and 5.

(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 that 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 (), 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.

TITLE 8

Health and Sanitation

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

CHAPTER 1

Health and Sanitation

8-1-1 Rules and Regulations
8-1-2 Health Nuisances; Abatement of
8-1-3 Keeping of Livestock
8-1-4 Deposit of Deleterious Substances Prohibited
8-1-5 Destruction of Noxious Weeds
8-1-6 Regulation of Natural Lawns
8-1-7 Regulation of Length of Lawn and Grasses
8-1-8 Compulsory Connection to Sewer and Water
8-1-9 Fuel Storage

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 KEEPING OF LIVESTOCK.

(a) **Sanitary Requirements.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors, and shall only be kept in properly zoned areas.

(b) **Animals Excluded from Food Handling Establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

SEC. 8-1-4 DEPOSIT OF DELETERIOUS SUBSTANCES PROHIBITED.

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

SEC. 8-1-5 DESTRUCTION OF NOXIOUS WEEDS.

(a) The Village Clerk-Treasurer shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the Village which he owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.

(b) If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the Village shall give five (5) days written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five (5) day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of Sec. 66.96 of the Wisconsin Statutes. In case the owner or occupant shall further neglect to comply within such five (5) day notice, then the Weed Commissioner shall destroy such wees or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.

(c) As provided for in Sec. 66.96(2), Wis. Stats., the Village shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of eight (8) inches in height from the ground surface shall be prohibited within the Village corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hay fever in human beings or would cause a skin rash through contact with the skin. Noxious weeds, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:
Cirsium Arvense (Canada Thistle)
Ambrosia artemisiifolia (Common Ragweed)
Ambrosia trifida (Great Ragweed)
Euphorbia esula (Leafyu Spurge)
Convolvulus arvensis (Creeping Jenny) (Field Bind Weed)
Tragopogon dubius (Goat's Beard)
Rhus radicans (Poison Ivy)
Cirsium vulgaries (Bull Thistle)
Pastinaca satiova (Wild Parsnip)
Arctium minus (Burdock)
Xanthium strumarium (Coclebur)

Amaranthus retroflexus (Pigweed)
Chenopodium album (Common Lambsquarter)
Rumex Crispus (Curled Dock)
Cannabis sativa (Hemp)
Plantago Iancellata (English Plantain)

Noxious grasses, as defined in this Section and in Section 8-1-7, shall include but not be limited to the following:
Agrostia alba (Redtop)
Dactylis glomerata (Orchard)
Phleum pratensis (Timothy)
Poa pratensis (Kentucky Blue)
Sorghum halepense (Johnson)
Setaria (Foxtail)

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

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

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

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

(a) **Natural Lawns Defined.** Natural laws as used in this Section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed eight (8) inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in Section 8-1-5 of this Chapter. The growth of a natural lawn in excess of eight (8) inches in height form the ground surface shall be prohibited within the Village corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the Village as set forth in this Section. Natural lawns shall not contain litter or debris and shall not harbor undesirable wildlife.

(b) **Natural Lawn Management Plan Defined.**

(1) Natural Lawn management Plan as used in this Section shall mean a written plan relating to the management and maintenance of a lawn which contains a legal description of lawn upon which the planted grass will exceed eight (8) inches in length, a statement of intent and purpose for the lawn, a detailed description of the vegetation types, plants and plant succession involved, and a 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 owners 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 complete 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.

(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 application for appeal shall be submitted within fifteen (15) calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Village Board shall be final and binding.

(e) **Safety Precautions for natural Grass Areas.**

(1) When, in the opinion of the Fire Chief, the presence of a natural lawn may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural lawns to a safe condition. As a condition of receiving approval of the natural lawn permit, the property owner shall be required to cut the natural lawn within the three (3) days upon receiving written direction from the Fire Chief.

(2) Natural lawns shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Lawn management Plan. The Fire Chief shall review all requests to burn natural lawns and shall determine if circumstances are correct and all applicable requirements have been fulfilled to ensure 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 ensuring 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 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 with fifteen (15) calendar days of receipt of the written Notice of Intent to revoke the approved Natural Law Management Plan. Failure to file an application for appeal 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. 8-1-7 REGULATION OF LENGTH OF LAWN AND GRASSES.

(a) **Purpose.** This Section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the Village of Milltown.

(b) **Public Nuisance Declared.** The Village Board finds that lawns, grasses and noxious weeds on lots of parcels of land which exceed eight (8) inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the Village. For that reason, any lawn, grass or weed on a lot or other parcel of land which exceeds eight (8) inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural law approved pursuant to Section 8-1-6 above.

(c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (b) above to remain on any premises owned or controlled by him within the Village.

(d) **Inspection.** The Weed Commissioner or his designee shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance as defined in Subsection (b) above exists.

(e) **Abatement of Nuisance.**

(1) If the Weed Commissioner shall determine with reasonable certainty that any public nuisance as defined in Subsection (b) above exists, he shall immediately cause written notice to be served that the Village proposes to have the lot grass or lawn cut so as to conform with this Section and Section 8-1-5.

(2) The notice shall be served at least five (5) days prior to the date of the hearing and shall be mailed or served on the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held.

(f) **Due Process Hearing.** If the owner believes that his grasses or weeds are not a nuisance, he may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a $25.00 bond. If a decision is rendered in the property owner's favor, the $25.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Village personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Village until such time as the hearing is held by the Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his own case. At the close of the hearing, the Village Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Village Board determines that a public nuisance did exist, the Board shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within forty-eight (48) hours of the Village Board's decision. If the owner does not abate the nuisance within the described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(g) **Village's Option to Abate Nuisance.** In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then, and in that event, the Village may elect to cut said lawn, grass or weeds as follows:
   (1) The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
   (2) The Village shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Village Clerk-Treasurer shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Sec. 66.615(3)(f), Wisconsin Statutes.

SEC. 8-1-8 COMPULSORY CONNECTION TO SEWER AND WATER.

(a) To assure preservation of public health, comfort and safety, it shall be the duty of the owner or the agent of the owner of any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one (1) or both of such systems extend to connect therewith after notice as provided herein.
(b) When a sewer or water main becomes available to any building used for habitation, the Village Board shall notify in writing the owner or his agent to connect therewith and to install a water closet and such other facilities as may be reasonably necessary to protect the public health, welfare and safety. The manner of connecting shall be prescribed by the Building Inspector.
(c) The notice required by this Section shall be given in the manner prescribed by Sec. 262.06(1), Wis. Stats., or by registered mail addressed to the last-known address of the owner or his agent.
(d) If the owner or his agent fails to comply after ten (10) days' notice as herein provided, the Village may cause connection and installations to be made and the expense thereof assessed as a special tax against the property.
(e) The owner or his agent may, within thirty (30) days after completion of the work, fila written option with the Village Clerk-Treasurer electing to pay the special tax in five (5) equal annual installments with interest as established by the Village Board.
(f) After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection therewith.

SEC. 8-1-9 FUEL STORAGE ORDINANCE.

(a) Above Ground Flammable/Combustible/Hazardous Liquid Storage of fuel in tanks or other containers in Residential areas of the Village of Milltown is prohibited.
(b) These requirements apply to tanks or other containers that may contain gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
(c) Exceptions are for Heating Fuel Oil up to 500 Gallon Tanks and Liquid Petroleum Gas up to 500 to 1000 Gallon Tanks used in home heating that are in approved tanks.
(d) Exception for Home use of fuel for recreation is permitted, i.e., lawn care, snow removal, ATV use, golf cart use, grilling or fire pit use, or any other use in and around the residence is limited to 25 gallons, stored in approved portable fuel containers or approved propane tank. Combustible liquid storage containers shall be of an approved type. These containers are labeled as approved for flammable liquid use and indicate the standards they are designed to meet (DOT, ASTM, NFPA, Etc.). Always use approved or original containers.
(e) Exception for Recreational Vehicles which have propane tanks for Vehicle or Trailer use which are attached to the trailer or motor home with a limit of 200 gallons (about 757.08 L) in approved tanks per vehicle or trailer.
(f) Enforcement of Ordinance
    (1) The 1st Offence of this Ordinance is a written warning with a copy of the warning mailed to the Property Owner that the items that are in violation of this ordinance must be removed within 14 days.
    (2) The 2nd Offence of this Ordinance is a fine of $100 given to the Property Owner and the items that are in violation of the Ordinance must be removed within 7 days.
    (3) The 3rd Offence of this Ordinance is a fine of $500 given to the Property Owner and the items that are in violation of the Ordinance will be removed by the Village of Milltown or its agents. The cost of this will be added to the Property owner's property tax.

TITLE 8 CHAPTER 2

Pollution Abatement

8-2-1 Cleanup of Spilled or Accidentally Discharged Wastes
8-2-2 Storage of polluting Substances
8-2-3 Solid Fuel-Fired Heating Devices

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

(a) **Purpose**. The purpose of this Section is:
   (1) To insure safe and effective hazardous materials and hazardous waste management; and
   (2) To establish a program of regulation over the storage, transportation, treatment and disposal of hazardous materials and waste in the Village of Milltown.

(b) **Findings**. The Village of Milltown finds that:
   (1) Increasing production and consumption rates, continuing technological development and energy requirements have led to the generation and use of greater quantities of hazardous materials and associated hazardous waste;
   (2) The problems of disposing of hazardous waste are increasing as a result of air and water pollution controls and a shortage of available landfill sites;
   (3) While it is technologically and financially feasible for hazardous waste generators to dispose of their waste in a manner which has a less adverse impact on the environments than current practices, such knowledge is not being utilized to the extent possible;
   (4) Even though the Village of Milltown is not heavily industrialized, there is significant daily hazardous waste disposal problems; and
   (5) The public health and safety and the environment are threatened where hazardous materials and wastes are not managed in an environmentally sound manner.

(c) **Definitions**.
   (1) **Disposal**. The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous material or waste into or on any land or water so that this hazardous waste or any constituent thereof may enter the environment, be emitted into the air or discharged into any waters, including groundwater.
   (2) **Hazardous Material**. Any element, compound or combination thereof which is flammable, corrosive, etc., and which, because of handling, storage, processing or packaging, may have detrimental effects on operating and emergency personnel, the public equipment and/or the environment.
   (3) **Hazardous Waste**. Any waste or combination or wastes of a liquid, gaseous or semi-solid form which, because of its quantities, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Such wastes include, but are not limited to those which are toxic, carcinogenic, flammable, irritants, strong sensitizers or which generate pressure through

decomposition, heat or other means, as well as containers and receptacles previously used in the transportation, storage, use or application of substances describes as hazardous waste.

(4) **Fire Chief**. The Fire Chief of the Milltown Fire Department or his/her designated officer.

(5) **Generation**. The act or process of producing hazardous waste.

(6) **Person**. Any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the Village or federal government or other entity.

(7) **Storage**. Containment in such manner as not to constitute disposal.

(8) **Transport**. The movement from the point of production, generation or use to any intermediate site and finally to the point of ultimate storage or disposal.

(9) **Treatment**. Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize or render it nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume.

(10) **Treatment Facility**. A location for treatment, including an incinerator or a facility where generation has occurred.

(d) **Prohibited Discharge.** No person shall discharge or cause to be discharged, leak, leach or spill upon any public street, alley or public property, or onto the ground, surface waters, subsurface waters, aquifers or on any private property, except those areas specifically licensed for waste disposal or landfill activities within the Village of Milltown as defined by Subsection (c)(2).

(e) **Containment, Cleanup and Restoration.** Any person in violation of this Section must, upon direction of the Fire Chief, begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirements of this Section, the Fire Chief may order the required actions to be taken by public or private resources with all costs incurred by the Village to be reimbursed by the person violating this Section.

(f) **Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to the Fire Chief for purposes of evaluating the threat to the public and monitor containment, clean up and restoration.

(g) **Public Protection.** Should any prohibited discharge occur that reasonably causes a threat to the life, safety or health of the public, the senior fire officer on the scene may order an evacuation of the area or take other appropriate protective steps for a period of time as deemed necessary for the safety of the public.

(h) **Enforcement.** The Fire Chief shall have authority to issue citations or complaints under this Section.

(i) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violation and to any individual whose person or property was damaged by such violation.

SEC. 8-2-2 Storage of Polluting Substances.

It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Village of Milltown.

SEC. 8-2-3 Solid Fuel Fired Heating Devices.

A. Solid Fuel Fired Heating Devices

(1) Definitions

(a) (Solid fuel fired heating device) means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

(2) Regulations for solid fuel fired devices

(a) All solid fuel devices are **prohibited in R1, R2, R3, R-MH, B1, B2, C1 and I1** zoning districts. They are **allowed only in RD** zoning districts.

(b) All solid fuel devices installed within the Village limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modification made to them in the future.

(c) All outdoor devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.

(d) Substantive Requirements: All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:

a. Fuel: Fuel shall be only natural untreated wood or wood specifically permitted by the manufacturer. The following fuels are **strictly prohibited.**

1. The burning of processed wood products and other non-wood products
2. Kerosene
3. Garbage
4. Painted wood or treated wood
5. Any other items not specifically allowed by the manufacturer or this provision

b. Any solid fuel device permitted under this ordinance which becomes hazardous, harmful, noxious, and offensive or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions by such measures in accordance with Section 11-6-6 of the Village of Milltown Zoning Code.

c. Chimney heights and fuel device location.

1. 25' from nearest side or rear property line
2. 100' from any road
3. 25' from any structure
4. 15' minimum chimney height
5. 2' above the highest eve line of any building within 200'
6. Chimney shall be supported to withstand winds up to 90 miles per hour

(e) Existing outdoor solid fuel heating devices: All existing units shall immediately comply with all manufacturer' specifications and subject to:

1. Entitled fuel requirements within 30 days from effective date of this ordinance. All existing nonconforming devices upon the compliant of a Village resident shall be removed, replaced, or modified to meet the requirements of this ordinance with 45 days of notification of

noncompliance from the Village Building Inspector, Police Department or other Village Officer or Agent.

(f) Permits

1. No person shall allow, maintain or use an outdoor wood furnace in the Village of Milltown without first having obtained a permit from the Village Building Inspector or the forms prescribed by such official. Permit fee per schedule.
2. Violations: A permit may be suspended in the even the owner fails to comply with this ordinance.
3. Penalty: Any person who constructs, erects, or fails to remove, replace or modify any outdoor solid fuel fired heating devices that does not meet the requirements of this ordinance shall forfeit $25.00 per day for each day the non-complying unit remains on the premises.

(3) Variance: Where the Village finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the Village Board, said Village Board may vary the regulations contained herein to afford substantial justice, provided that such variation will not have the effect of nullifying the intent and purpose of this local ordinance.

(4) Severability: If any provisions of this local ordinance are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local ordinance shall remain in effect.

(5) Effective Date: This ordinance shall take effect upon the approval of the Village Board of Milltown.

CHAPTER 3

Refuse Disposal and Collection

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

SEC. 8-3-1 TITLE

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

SEC. 8-3-2 DECLARATION OF POLICY.

It is hereby declared to be the purpose and intent of this Chapter to enhance and improve the environment and promote the health, safety and welfare of the Village by establishing minimum standards for the storage, collection, transport, processing, separation, recovery and disposal of solid waste.

SEC. 8-3-3 DEFINITIONS.

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

(a) **Agricultural Establishment** – An establishment engaged in the rearing and slaughtering of animals and the processing of animal products or orchard and field crops.
(b) **Bulky Waste** – Items whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
(c) **Commercial Unit** – Commercial units shall be all property other than residential units and shall include boarding houses, motels and resorts.
(d) **Curb** – The back edge or curb and gutter along a paved street or where one would be if the street was paved and had curb and gutter.
(e) **Demolition Wastes** – That portion of solid wastes consisting of wastes from the repair, remodeling or reconstruction of buildings, such as lumber, roofing and sheathing scraps, rubble, broken concrete, asphalt and plaster, conduit, pipe, wire, insulation and any other materials resulting from the demolition of buildings and improvements.
(f) **Disposal** – The orderly process of discarding useless or unwanted material.
(g) **DNR** – The Wisconsin Department of natural Resources.
(h) **Dump** – A land site where solid waste is disposed of in a manner that does not protect the environment.

(i) **Dwelling Unit** – A place of habitation occupied by a normal single-family unit or a combination of persons who may be considered as equivalent to a single-family unit for the purpose of this Chapter.
(j) **Garbage** – Includes every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables originally used for food-stuffs.
(k) **Hazardous Waste** – Those wastes such as toxic, radioactive or pathogenic substances which require special handling to avoid illness or injury to persons of damage to property and the environment.
(l) **Industrial Waste** – Waste material, except garbage, rubbish and refuse, directly or indirectly resulting from an industrial processing or manufacturing operation.
(m) **Litter** – Solid waste scattered about in a careless manner, usually rubbish.
(n) **Non-Residential Solid Waste** – Solid waste from agricultural, commercial, industrial or institutional activities or a building or group of buildings consisting of four (4) or more dwelling units.
(o) **Person** – Individuals, firms, corporations and associations, and includes the plural as well as the singular.
(p) **Private Collection Services** – Collection services provided by a person licensed to do same by the DNR.
(q) **Recyclable Waste** – Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.).
(r) **Refuse** – Includes all waste material, including garbage, rubbish and industrial waste and shall, by way of enumeration but not by way of limitation, include grass, leaves, sticks, tree branches and logs, stumps, stone, cement, boards, furniture or household appliances, garden debris.
(s) **Residential Solid Waste** – All solid waste that normally originates in a residential environment from residential dwelling units.
(t) **Residential unit** – Residential unit shall mean an individual household capable of independent habitation by a family unit. A single-family dwelling shall be considered to be one (1) residential unit; multi-family dwelling shall be considered to be multiple residential units, the number of residential units to equal the number of family units to be housed therein. Residential units shall not include boarding houses, motels or resorts.
(u) **Rubbish** – Includes combustible and noncombustible waste material, except rocks, concrete, bricks and similar solid materials, plaster or dirt, that is incidental to the operation of a building and shall include, by way of enumeration but not by way of limitation, tin cans, bottles, rags, paper, cardboards, sweepings.
(v) **Scavenging** – The uncontrolled removal of materials at any point in solid waste management.
(w) **Solid Waste** – Garbage, rubbish and other useless, unwanted or discarded material from agricultural, residential, commercial, industrial or institutional activities. Solid waste does not include solid or dissolved material in domestic sewage.
(x) **Storage** – The interim containment of solid waste in an approved manner after generation and prior to collection and ultimate disposal.
(y) **Storage Areas** – Areas where persons place containers during non-collection days as well as areas where containers are set out on collection day.

SEC. 8-3-4 REFUSE STOARGE AREAS.

Storage areas shall be kept in a nuisance and odor-free condition. Litter shall not be allowed to accumulate. Collection crews will not be responsible for cleaning up loose materials from any containers which have become ruptured or broken due to wet conditions, animals, vandalism or other

cause. The occupant and/or owner shall be responsible for cleaning up this litter. Litter not collected shall not be allowed to accumulate. Violation will result in the occupant and/or owner being notified to clean up his area with continued violation resulting in the owner being prosecuted under the provisions of this and other Village Ordinances.

SEC. 8-3-5 APPROVED WASTE AND REFUSE CONTAINERS.

(a) **General Container Standards.** Suitable containers of a type approved by the Village shall be provided by the property owner or tenant in which to store all solid waste except for bulky or certain yard wastes as provided for herein. Containers, in order to be approved, shall provide for efficient, safe and sanitary handling of solid wastes. They shall be maintained in a nuisance and odor-free condition and shall be sufficient to prevent the scattering of contents by weather conditions or animals.

(b) **Approved Containers.** All garbage created, accumulated or produced shall be deposited in containers of a type approved by the Village Board. Each container for a residential unit shall be equipped with suitable handles and tight-fitting covers, shall be watertight and shall have the capacity of not less than five (5) gallons and not more than thirty (30) gallons. All garbage containers shall be kept in a neat, clean and sanitary condition at all times. All garbage containers for residential units shall be of metal, durable plastic or other suitable, moisture-resistant materials, including heavy-duty refuse disposal plastic bags, and shall not exceed thirty (30) gallon capacity. Other containers for multi-family residential units (such as dumpsters) may be used only with the express approval of the Village Board. Containers including contents shall not exceed in weight that which one (1) person can safety lift (fifty [50] pounds). Metal garbage cans shall be of sufficient thickness to resist denting during normal handling by collection crews. Plastic garbage bags must be closed with a tie and shall consist of plastic material not damaged by freezing and not susceptible to melting. They shall be capable of being handled during hot and cold weather without damage during normal handling by collection crews. Plastic bags shall be of sufficient strength to allow lifting and loading of contents without tearing.

(c) **Householder to provide Containers.** It shall be the duty of every occupant, tenant and proprietor of any residential unity to provide, and at all times keep in a suitable place readily accessible to the garbage collector, garbage containers capable of holding all garbage which would ordinarily accumulate on such premises between the times of successive collections. The owner of any multiple dwelling shall furnish or require the tenant thereof to furnish proper garbage containers. Garbage containers located at multiple dwellings shall be marked so as to indicate the residential unit to which they belong.

(d) **Ashes.** Cold, completely extinguished ashes may be left for collection in cardboard containers.

(e) **Illegal Containers.** Containers not approved consist of metal barrels and drums, wooden or cardboard barrels, wheelbarrows and other such containers not approved by this Chapter. These containers will not be emptied regardless of contents or weight.

(f) **Yard Wastes.** Tree branches of six (6) inches in diameter or smaller and bundled may be collected.

SEC. 8-3-6 COLLECTION OF REFUSE.

(a) **Placement for Collection**.

(1) Residential solid waste shall be accessible to collection crews. Residential solid waste in approved containers shall be placed immediately behind the curb of the public street for collection. Yard and bulky wastes from residential units shall likewise be placed in neat, orderly

fashion behind the curb. During winter months, solid waste shall not be placed on top of the snow bank, nor shall it be placed in the roadway. The owner shall either shovel out an area behind the curb in which to place his wastes or he shall place it in his driveway. Collection crews will not collect residential solid waste unless it is placed at the curb of a public right-ow-way for collection. Should collection crews be unable to discharge contents of garbage cans into collection vehicles using normal handling procedures, the cans, including contents, will be left at curb side. The owner shall make provisions to assure that the solid waste therein can be collected on the next collections day. Collection crews will not empty garbage cans by means other than dumping.

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

(3) The Village shall collect regular refuse on Tuesdays or at some other designated time if the collection day falls on a holiday. At the request of the property owner or tenant and upon payment of a special collection fee, special collections may be made for appliances, tires and other bulky items. There shall only be a charge for regular collection service for those areas not served by municipal sewer.

(b) **Restriction on Time of Placement.** All receptacles and containers for refuse and rubbish and all bundles of rubbish shall be placed in collection locations as designated in Subsection (a) above only after 6:00 p.m. on the evenings prior to the regular collection time the following day. All receptacles, bags and containers for refuse and garbage disposal shall be removed from the curbside collection point within twenty-four (24) hours after the regular collection time. Village employees or employees of licensed collectors will not enter any structures to remove garbage or refuse, except by written agreement with the property owner.

(c) **Recyclable Waste.** All recyclable waste must be separated from other refuse for pickup by the Village of Milltown or its licensed collectors. "Recyclable Waste" is defined in Section 8-3-3(q) of this Chapter as: "Waste material that can be remanufactured into usable products and shall include, by way of enumeration but not by way of limitation, glass, plastics, newspapers, cardboard, metals (aluminum, steel, tin, brass, etc.)". Recyclable waste is to be placed in paper bags or containers and will be picked upo0n the second and fourth Mondays of each month. All other provisions of this Chapter pertaining to refuse (container standards, placement and transport provisions, etc.) apply to recyclable waste as well.

(d) **Amount of Refuse.** The limit as to amount of refuse allowed per week per residence is forty-five (45) gallons. Forty-five (45) gallons is interpreted to mean a maximum of three (3) kitchen-size garbage bags or one (1) large garbage bag (thirty [30] gallon) and one (1) kitchen-size bag. This limit only applies to refuse; there is no limit as to the amount of recyclable waste that may be placed for collection.

(e) **Collection Fee.** The base rate for collection of refuse and recyclable waste will be ten dollars ($10.00) per month. None dollars ($9.00) of this fee are for refuse pickup; one dollar ($1.00) is for pickup of recyclable waste. This fee covers pickup of up to forty-five (45) gallons of refuse per week. Additional charges of two dollars ($2.00) per extra garbage bag (any size) will be assessed for any refuse which exceeds the weekly limit of forty-five (45) gallons.

SEC. 8-3-7 PROHIBITED ACTIVITIES AND NO-COLLECTABLE MATERIALS.

(a) **Dead Animals.** It shall be unlawful to place any dead animal, or parts thereof, in a container for collection provided, however, this Section shall not apply to animal parts from food preparation for human consumption.

(b) **Undrained Food Wastes.** It shall be unlawful to place any garbage or other food wastes in a container for collection unless it is first drained and wrapped.

(c) **Ashes.** It shall be unlawful to place hot ashes for collection. (See section 6-3-5[d]).

(d) **Improper Placement.** It shall be unlawful to place, or allow to be placed, any solid waste upon the roads, streets, public or private property within the Village contrary to the provisions of this Chapter.

(e) **Compliance with Chapter.** It shall be unlawful to store, collect, transport, transfer, recover, incinerate or dispose of any solid waste within the boundaries of the Village contrary to the provisions of this Chapter.

(f) **Improper Transportation.** It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom. If spillage does occur, the collection crew shall immediately return spilled materials to the collection vehicle and shall properly clean, or have cleaned the area. All vehicles used for the collection and transportation of solid waste shall be durable, easily cleanable and leak proof, if necessary, considering the type of waste and its moisture content. Collection vehicles shall be cleaned frequently to prevent nuisances and insect breeding and shall be maintained in good repairs.

(g) **Interference with Authorized Collector.** No person other than an authorized collector shall collect or interfere with any garbage after it shall have been put into a garbage receptacle and deposited in the proper place for the collector, nor shall any authorized person molest, hinder, delay or in any manner interfere with an authorized garbage collector in the discharge of his duties.

(h) **Scavenging.** It shall be unlawful for any person to scavenge any solid waste placed for collection.

(i) **Private Dumps.** It shall be unlawful for any person to use or operate a dump.

(j) **Burning of Waste.** It shall be unlawful for any person to burn solid waste in any manner, except as provided elsewhere in this Code of Ordinances.

(k) **Non-Collectible Materials**. It shall be unlawful for any person to place for collection any of the following wastes:
   (1) Hazardous waste;
   (2) Toxic Waste;
   (3) Chemicals;
   (4) Explosives or ammunition;
   (5) Drain or waste oil or flammable liquids;
   (6) Large quantities of paint;
   (7) Logs or large branches.

(l) **Animal or Human Wastes.** It shall be unlawful for any person to place animal wastes and/or human wastes for collection. These wastes should be disposed of in plastic bags or in the sanitary sewer system. Such items as “kitty litter” may be placed for collection.

(m) **Hospital Wastes.** It shall be unlawful for any person to place for collection any pathogenic hospital wastes. Such items as needles and syringes may be disposed of as long as they are contained to eliminate injury to collection crews.

(n) **Building Waste.** All waste resulting from remodeling, construction or removal of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

(o) **Defective Bags.** Trash bags which have been over-capacitated, ripped or torn open will not be collected.

SEC. 8-3-8 GARBAGE ACCUMULATION; WHEN A NUISANCE.

The accumulation or deposit of garbage, trash or putrescible animal or vegetable matter in or upon any lot or land or any public or private place within the Village which causes the air or environment to become noxious or offensive or to be in such a condition as to promote the breeding of flies, mosquitoes or other insects, or to provide a habitat or breeding place for rodents or other animals, or which otherwise becomes injurious to the public health is prohibited and declared to constitute a nuisance.

SEC. 8-3-9 REFUSE FROM OUTSIDE THE MUNICIPALITY.

It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited for collection, any waste or refuse not generated within the corporate limits of the Village of Milltown.

TITLE 9

Public Utilities

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

CHAPTER 1

Water Utility Regulations and Rates

Article A Rates
9-1-1 Public Fire Protections Service – F-1
9-1-2 Public Fire Protection Service – Suburban – F-2
9-1-3 Private Fire Protection Service – Unmetered – Upf–1
9-1-4 General Service – Metered – Mg-1
9-1-5 General Service – Suburban – Mg–2
9-1-6 General Water Service – Unmetered – Ug–1
9-1-7 Public Service – Mpa-1
9-1-8 Reconnection Charges – R–1
9-1-9 Temporary Metered Supply, Meter and Deposits – D–1
9-1-10 Hydrant Charges – H–1
9-1-11 Bulk Water – B-1
9-1-12 through
9-1-19 Reserved for Future Use

Article B Rules and Regulations
9-1-20 Compliance with Rules
9-1-21 Establishment of Service
9-1-22 Service Contract
9-1-23 Temporary Metered Supply, Meter and Deposits
9-1-24 Water for Construction
9-1-25 Use of Hydrants
9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty
9-1-27 Refunds of Monetary Deposits
9-1-28 Service Connections (or Water Laterals)
9-1-29 Service Piping for Meter Settings
9-1-30 Turning on Water
9-1-31 Failure to Read Meters
9-1-32 Complaint Meter Tests
9-1-33 Thawing Frozen Services
9-1-34 Stop Boxes
9-1-35 Installation of Meters
9-1-36 Repairs to Meters
9-1-37 Replacement and Repair of Service Pipe
9-1-38 Charges for Water Wasted Due to Leaks and or Running Water
9-1-39 Inspection of premises
9-1-40 Customer's Deposits

9-1-41 Disconnection and Refusal of Service
9-1-42 Surreptitious Use of Water
9-1-43 Vacation of Premises
9-1-44 Repairs to Mains
9-1-45 Duty of Utility with Respect to Safety of the Public
9-1-46 Handling Water Mains and Service Pipes in Sewer or Other Trenches
9-1-47 Settling Main or Service Trenches
9-1-48 Protective Devices
9-1-49 Cross Connection Control
9-1-50 Well Abandonment; Well Operation Permit
9-1-51 Wellhead Protection

ARTICLE A

Rates

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

(a) For public fire protection service to the Village of Milltown, the annual charge shall be twelve thousand seventy-three dollars ($12.073.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main existing for the 1988 test year.
(b) For all extensions of fire protection service, a charge of thirty-six cents (.36¢) 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 fifty dollars ($50.00) net per hydrant added to the system after the base period.
(c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the municipal boundary only. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
(d) The above base annual charge of twelve thousand seventy-three dollars ($12,073.00) includes an estimated twenty-nine thousand four hundred fifteen (29,415) feet of distribution main, four (4) inch and larger, and fifty-nine (50) hydrants.

SEC. 9-1-2 PUBLIC FIRE PROTECTION SERVICE – 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 trucks 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 dollar and sixteen cents ($1.16) per one thousand (1,000) gallons. A service charge, in addition to the water charge, shall be ten dollars ($10.00) per hydrant used.

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

(a) **Type of Service.** 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	$ 6.00
3 inch	$11.00
4 inch	$18.00
6 inch	$36.00
8 inch	$58.00
10 inch	$86.00

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

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

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

(a)

Service Charge	Quarterly
5/8-inch meter	$ 6.50
3/4-inch meter	$ 6.50
1 inch meter	$ 12.00
1 1/4-inch meter	$ 16.50
1 1/2-inch meter	$ 24.00
2-inch meter	$ 37.00
2 1/2-inch meter	$ 49.00
3-inch meter	$ 68.00
4-inch meter	$ 113.00
6-inch meter	$ 230.00
8-inch meter	$ 350.00
10-inch meter	$ 500.00
12-inch meter	$ 700.00

(b) **Volume Charge:**

First 25,000 gallons used each quarter - $1.16 per 1,000 gallons
Next 175,000 gallons used each quarter - $ .95 per 1,000 gallons
Over 200,000 gallons used each quarter - $ .72 per 1,000 gallons

(c) **Billing.** Bills for water service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of three percent (3%) but not less than thirty cents (.30¢) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) payment charge will be applied to any

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 and unless payment or satisfactory arrangements for payment Is made within the next eight (8) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code. A five-dollar ($5.00) charge will be made for processing checks that have been returned for insufficient funds.

(d) **Combined Metering.** When a consumer's premises has several buildings, each supplied with service and metered separately, the full-service charge will be billed for each meter separately and the readings will not be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered on one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for billing.

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

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

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

(a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of nineteen dollars and twenty-six cents ($19.26) each quarter. 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 quarter under Mg-1. If it is determined by the utility that usage is in excess of eleven thousand (11,000) gallons per quarter, an additional charge per Mg-1 will be made for the estimated additional usage.

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

SEC. 9-1-7 PUBLIC SERVICE – MPA-1.

(a) Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates applied.

(b) Water used on an intermittent basis for flushing service, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of ninety-five cents (.95¢) per thousand (1,000) gallons.

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

	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, Including valving at curb stop	$12.00	$18.00
Valve turned on at curb stop	$ 8.00	$12.00

Note: No charge for disconnection.

SEC. 9-1-9 TEMPORARY METERED SUPPLY, METER AND DEPOSITS – D-1.

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

SEC. 9-1-10 HYDRANT CHARGES – H-1.

(a) In cases where no other supply is available, hydrants may be use (see Rule X-1.2). The following charges shall apply.

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

(b) In addition, the projected water usage shall be paid for in advance at the 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. 9-1-11 BULK WATER – B-1.

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

Service charge	$10.00
Plus volume charge	$1.16 per 1,000 gallons

SEC. 9-1-12 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 Milltown water utility or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

SEC. 9-1-21 ESTABLISHMENT OF SERVICE.

(a) Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be servi4ed, 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 utilities 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 unity. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unity and individual disconnection without affecting service to the other utilities. 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 the town (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 rates.

SEC. 9-1-24 WATER FOR CONSTRUCTION.

(a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Utility's 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 this utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.
(c) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Utility. Any consumer failing to comply with this provision will have water service discontinued.

SEC. 9-1-25 USE OF HYDRANTS.

(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. See Schedule H-1 for applicable 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 want only 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 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. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Village Building Inspector.

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

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

SEC. 9-1-30 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 ow where approval is obtained from the customer shall more than two (2) consecutive estimated bills be rendered.
(b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

SEC. 9-1-32 COMPLAINT METER TEST.

See Wis. Adm. Code, Chapter PSC 185.77.

SEC. 9-1-33 THAWING FROZEN SERVICES.

See Wis. Adm. Code, Chapter PSC 185.89

SEC. 9-1-34 STOP BOXES.

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

SEC. 9-1-35 INSTALLATIN OF METERS.

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

SEC. 9-1-36 REPAIRS TO METERS.

(a) Meters will be repaired by the Water Utility 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 stream in the meter, shall be paid for by the consumer or the owner of the premises.

SEC. 9-1-37 REPLACEMENT AND REPAIR OF SERVIC E 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 AND/OR WATER RUNNING

(a) **Water Leaks**. Any and all water leaks are the responsibility of the resident. Any appeals may be brought to the Village Board.
(b) **Water Running**. See Wis. Adm. Code, Chapter PSC 185.35(7).

SEC. 9-1-39 INSPECTION OF PREMISES.

During reasonable hours any officer or authorized employee of the utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. At least once every twelve (12) months for 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.

(a) **New Residential Service.** The utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the utility which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
(b) **Existing Residential Service.** The utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
    (1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
    (2) Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
(c) **Commercial and Industrial Service.** If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the utility, he may be required to make a deposit or otherwise guarantee to the utility payment of bills for service.

(d) **Conditions of Deposit.** See Wis. Adm. Code, Chapter PSC 185.36(4).

(e) **Refund of Deposits.** The utility shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer the utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.

(f) **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a Deferred Payment Agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.

(g) **Guarantee Contracts.**

(1) The utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two (2) years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon thirty (30) days' written notice to the utility.

(2) Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount of surety, a cash deposit or a new additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon eight (8) days' written notice, disconnected.

(3) The utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.

(4) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the utility shall have the right to receive service from the company under a Deferred Payment Agreement as provided in these Rules and Regulations for the outstanding account balance.

SEC. 9-1-41 DISCONNECTION AND REFUSAL OF SERVICE.

(a) **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:

(1) Failure to pay a delinquent account or failure to comply with the terms of a Deferred Payment Agreement.

(2) Violation of the utility's rules and regulations pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation.

(3) Failure to comply with deposit or guarantee arrangements as provided for in these rules and regulations.
(4) Diversion of service around the meter.

(b) **Disconnection for Delinquent Accounts.**

(1) A bill for service is delinquent if unpaid after the due date shown on the bill. The utility may disconnect service for a delinquent bill by giving the customer at least eight (8) calendar days prior to disconnection, a written disconnect notice which may be included with the bill for service. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
(2) The utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
(3) The utility shall notify the County Department of Health and Social Services at least five (5) calendar days prior to any scheduled disconnection of residential service if the customer or responsible person has made a written request for this procedure. The utility shall apprise customers of this right upon application for service. If service to a residential customer which has been disconnected has not been restored within twenty-four (24) hours after disconnection, the utility shall notify the appropriate county Sheriff's Department of the billing name and service address and that a threat to health and life might exist to persons occupying the premises.

(c) **Deferred Payment Agreement.**

(1) The utility shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable", the parties shall consider the:
    a. Size of the delinquent account.
    b. Customer's ability to pay.
    c. Customer's payment history.
    d. Time that the debt has been outstanding.
    e. Reasons why the debt has been outstanding.
    f. Any other relevant factors concerning the circumstances of the customer.
(2) In the Deferred Payment Agreement, it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two (2) sizes larger than any other used thereon, the following:

> "If you are not satisfied with this agreement, do not sign. If you do sign this agreement you give up your right to dispute the amount due under the agreement except for the utility's failure or refusal to follow the terms of This agreement".

(3) A Deferred Payment Agreement shall not include a finance charge.
(4) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances, it shall not be required to offer subsequent negotiation of a Deferred Payment Agreement prior to disconnection.

(5) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.

(d) **Dispute Procedures.**

(1) Whenever the customer advises the utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the company shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter in to a Deferred Payment Agreement when applicable in order to settle the dispute.

(2) After the customer has pursued the available remedies with the utility, he may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.

(3) Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty percent (50%) of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the disputed matter is being pursued under the dispute's procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

(4) The form of disconnection notices 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.

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

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, <u>we urge you to pay the full arrears IMMEDIATELY AT THE OFFICE</u>.

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

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

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

1. You have a question about your utility service arrears.

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

Illness Provision

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

Deferred Payment Agreements

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

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

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

(UTILITY NAME)

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

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

(a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hour disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:
   (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
   (2) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.

(3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
(4) Sections 98.26 and 943.20, Wisconsin Statues, as relating to water service, are hereby adopted and made a part of these rules.

SEC. 9-1-43 VACATION OF PREMISES.

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

SEC. 9-1-44 REPAIRS TO MAINS.

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

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

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

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

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

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

Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve (12) inches of backfill has been placed and then the tr4ench shall be kept flooded until the remainder of the backfill has been put in.

SEC. 9-1-48 PROTECTIVE DEVICES.

(a) **Protective Devices in General**. The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof,

against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply.

(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 ion the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Village plumbing codes).

(c) **Air Chambers**. An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air.

SEC. 9-1-49 CROSS CONNECTION CONTROL.

TO PROVIDE A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM

WHEREAS, Chapters NR 810 and SPS 382, Wisconsin Administrative Code, require protection for the public water system from contamination due to backflow of contaminants through the water service connection; and

WHEREAS, the Wisconsin Department of Natural Resources requires the development and implementation of a comprehensive cross connection control program to effectively prevent the contamination of potable water systems;

NOW THEREFORE, BE IT ORDAINED by the board of the village of Milltown, State of Wisconsin:

1. DEFINITION OF CROSS CONNECTION. A cross connection is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village of Milltown's public water system, and the other of which contains 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, with the direction of flow depending on the pressure differential between the two systems.

2. UNPROTECTED CROSS CONNECTIONS PROHIBITED. No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.

3. INSPECTION. The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. [OPTIONAL: As an alternative, the water utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor.] The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. 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, as provided under paragraph 6 of this ordinance.

4. RIGHT OF ENTRY. Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public

water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance. If entry is refused, a special inspection warrant under Section 66.0119 of the Wisconsin Statutes may be obtained.

5. PROVISION OF REQUESTED INFORMATION. The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under paragraph 6 of this ordinance.

6. DISCONTINUATION OF WATER FOR VIOLATION. The water utility may discontinue water service to any property wherein any unprotected connection in violation of this ordinance exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in paragraph 7 of this ordinance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

7. EMERGENCY DISCONTINUANCE. If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated

SEC. 9-1-50 WELL ABANDONMENT; WELL OPERATION PERMIT.

WHEREAS, s. NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems, and communities served by municipal water systems, to implement a local well regulation program requiring proper abandonment of unused, unsafe or noncomplying wells located on premises served by the municipal water system, and to provide permits for retention of safe, code-complying wells by local ordinance or water utility rule, in order to prevent all unused, unsafe, and noncomplying wells from becoming safety hazards or channels for contamination of aquifers, and to prevent illegal cross-connections with the municipal system.

NOW THEREFORE, the Village Board of the Village of Milltown, Polk County, Wisconsin, does ordain as follows:

SECTION 1: PURPOSE

To protect public health, safety and welfare and to prevent contamination of water supplies by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or properly filled-and-sealed.

SECTION 2: APPLICABILITY

This Ordinance applies to all wells located on premises served by the Village of Milltown municipal water system. Communities outside the jurisdiction of a supplying municipal system are also required by code, contract agreement, or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

SECTION 3: DEFINITIONS

A. "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing;

B. "Communities served" means any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system;

C. "Noncomplying" means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code;

D. "Pump installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps;

E. "Served by" means any property having a water supply pipe extending onto it which is connected to the municipal water system;

F. "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

G. "Unused" well means one which does not have a functional pumping system or other complying means of withdrawing water.

H. "Well" means a drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

I. "Well abandonment" means the proper filling-and-sealing or decommissioning of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

SECTION 4: WELL ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly filled-and-sealed in accordance with Section 6 of this ordinance by (date) or not later than (days) [90 days to 1 year] from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by (municipality) under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 90 days after connection to the municipal water system or date of discovery or construction of a well. The Village of Milltown shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Milltown or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk.

The following conditions must be met for issuance or renewal of a well operation permit:

(1) The well and pump installation shall comply with the *Standards for Existing Installations* described in s. NR 812.42, Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years

thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR #3300-221, to be submitted to the Clerk.

(2) The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least 1 coliform bacteria sample collected within prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

(3) There shall be no cross-connections or interconnection between the well's pump installation or distribution piping and the municipal water system unless approved by the utility and DNR. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

(4) The private well shall have a functional pumping system or other complying means of withdrawing water.

(5) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

SECTION 6: WELL FILLING-AND-SEALING PROCEDURES

(1) All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of s. NR 812.26, Wisconsin Administrative Code.

(2) All well filling-and-sealing under jurisdiction of this ordinance shall be performed by, or under the supervision of, a Certified Water System Operator employed by Village of Milltown, or by a Wisconsin licensed Well Driller or Pump Installer, per s. 280.30 Wisconsin Statutes.

(3) The owner of the well, or the owner's agent, [(optional) may be required to obtain a well abandonment permit prior to any well abandonment and] shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

(4) A well filling-and-sealing report form DNR#3300-005, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within 30 days of the completion of the well abandonment.

SECTION 7: PENALTIES

Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than $50.00, nor more than $200.00, and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to

SEC. 9-1-51 WELLHEAD PROTECTION.

(a) **Purpose, Authority and Application.**

(1) Purpose. The residents of the Village of Milltown depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish a groundwater protection overlay district to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the Village of Milltown and promoting the public health, safety and general welfare of Village residents.

(2) Authority. Statutory authority of the Village to enact these regulations was established by Wisconsin Legislature in §61.35, Wis. Stats., which provides the statutory authorization for municipal planning and zoning to protect the public health, safety and welfare.
(3) Application. The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a "wellhead protections area" by the Village's most recent and up to date wellhead protection plan, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

NOTE: Wellhead protection areas are derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5 years or less to travel from the land surface to the pumping well.

(b) **Definitions.**
(1) Aquifer. "Aquifer" means a saturated permeable, geologic formation that contains, and will yield, significant quantities of water.
(2) Existing facilities. "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.
(3) Groundwater Protection Overlay District. "Groundwater Protection Overlay District" means that area of land which contributes water to a municipal well based on accepted hydrogeological research, outlined and described as a "Wellhead Protection Area" by the Village's wellhead protection plan.
(4) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area may extend beyond the corporate limits of the Village of Milltown.
(5) Hazardous Chemicals. "Hazardous Chemicals" means Chemicals and chemical mixtures that is required to have an MSDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c). Substances packaged for consumption for humans or animals are not considered Hazardous Chemicals. Hazardous Chemicals include:
(a) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)".
(b) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
(c) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight-per-unit weight basis.
(d) Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth of one (0.1) percent or greater of the composition on a weight-per-unit weight basis.
(e) Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth of one

(0.1) percent of the mixture on a weight-per-unit weight basis if carcinogenic, or more than one (1.0) percent of the mixture on a weight-per-unit weight basis if non-carcinogenic.

(f) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).

(6) Well Field. "Well Field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(c) **Groundwater Protection Overlay District.**

The boundaries of the Groundwater Protection Overlay Districts shall be shown on the Village of Milltown zoning map. The locations and boundaries of the zoning districts established by this chapter are set forth in the Village of Milltown's most recent and up to date wellhead protection plan [on file in the office of the Village Clerk] incorporated herein and hereby made a part of this Ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. This Ordinance and thus promotes public health, safety, and welfare. The groundwater protection overlay district is intended to protect the groundwater recharge area for the water supply from contamination. The Groundwater Protection Overlay District is divided in Zone A and Zone B:

(1) ZONE A OF GROUNDWATER PROTECTION OVERLAY DISTRICT. Zone A is the area nearest to the wells where groundwater protection is the most important. Zone A is subject to the most stringent land use and development restrictions because of the close proximity to the wells and the corresponding high threat of contamination.

(A) Permitted Uses. The following uses are permitted in the Groundwater Protection Overlay District subject to the separation's distances in Section 4.

(a) Parks; provided there is no on-site waste disposal or fuel storage tank facilities associated with this.

(b) Playgrounds.

(c) Wildlife areas.

(d) Non-motorized trails, such as bike, skiing, nature and fitness trails.

(e) Residential, commercial and industrial establishments that have municipally sewer and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time.

(f) Routine tillage, planting and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

(B) Conditional Uses. The following uses may be conditionally permitted in Zone 1 subject to separations distances in Section 4:

(a) Hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370).

(b) Motor vehicle services, including filing and service stations, repair, renovation and body work.

(c) Residential, commercial and industrial establishments that have municipal sewer and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.

(d) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.

(C) Prohibited Uses

(a) Cemeteries.
(b) Chemical manufacturers (Standard Industrial Classification Major Group 28).
(c) Coal storage.
(d) Dry cleaners.
(e) Electroplating facilities.
(f) Foundries and forge plants.
(g) Industrial liquid waste storage lagoons and pits.
(h) Landfills and any other solid waste facility, except post-consumer recycling.
(i) Manure and animal waste storage.
(j) Mining of any kind, including metallic, sand and aggregate pits.
(k) Pesticide and fertilizer dealer, manufacturing, transfer or storage facilities.
(l) Private on-site wastewater treatment systems or holding tanks receiving 12,000 gallons per day or more.
(m) Railroad yards and maintenance stations.
(n) Rendering plants and slaughterhouses.
(o) Salt or deicing material bulk storage.
(p) Salvage or junk yards.
(q) Septage or sludge spreading, storage or treatment.
(r) Septage, wastewater, or sewage lagoons.
(s) Stockyards and feedlots.
(t) Storm water infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention.
(u) Wood preserving operations.
(v) Any other use determined by the Village Board to be similar in nature to the above listed uses.

(d) Separation Distances.

The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained in all zones of the Groundwater Protection Overlay District.

(1) Ten feet (10') between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional servicer or its designated Local Program Operator under s. ATCP 93.110.
(2) Fifty feet (50') between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4-psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
(3) Two hundred feet (200') between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one- or two-family residential

heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.

(4) Three hundred feet (300') between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monition for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, biodiesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(5) Three hundred feet (300') between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive install requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. This requirement applies to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(6) Four hundred feet (400') between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

(7) Six hundred feet (600') between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum, product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(8) One thousand feet (1,000') between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

(9) Twelve hundred feet (1200') between a well field 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; coal storage area; salt or deicing

material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operation under s. ATCP 93.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant waste oil, or hazardous substances and bulk pesticide or fertilizer handling or storage facilities.

(e) Conditional Use Permits.

Individuals and/or facilities may request the Village in writing, to permit additional land uses in the Groundwater Protection Overlay District.

(A) Required Application Materials
   (a) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the Village and 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.
   (b) All the individual/facility shall reimburse the Village for all consultant fees associated with this review at the invoiced amount plus administrative costs.
   (c) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the Village.

(B) Referral to Plan Commission. A properly filed application shall be referred to the Plan Commission for its review and recommendation. The Plan Commission shall review the application and make its recommendation, if any. The Plan Commission shall forward the recommendations to the Village Board. Upon receipt of the recommendations of the Village Board shall hold a public hearing.

(C) Standards for Conditional Use. The Village Board shall apply the following factors:
   (a) The Village's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
   (b) The degree to which the proposed land-use practice, activity or facility may threaten or degrade groundwater quality in the Village or the Village's recharge area.
   (c) The economic hardship which may be faced by the landowner if the application is denied.
   (d) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
   (e) The proximity of the applicant's property to other potential sources of contamination.
   (f) The then existing condition of the Village's groundwater public water well(s) and well fields, and the vulnerability to further contamination.
   (g) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
   (h) Any other hydrogeological data or information which is available from any public or private agency or organization.
   (i) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(A) TYPES OF CONDITIONS WHICH THE VILLAGE BOARD MAY REQUIRE. The Village Board <u>may</u> stipulate conditions and restrictions including but not limited to the following:

(a) A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The Village may require an application to install one or more groundwater monitoring well(s), at the expense of the applicant;
(b) The establishment of safety structures to prevent groundwater contamination;
(c) The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and storm water runoff management to prevent groundwater contamination;
(d) Written policies and procedures for reporting and cleaning up any spill of a hazardous material;
(e) The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the Village;
(f) A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination;
(g) Bonds and/or securities satisfactory to the Village for future monitoring and cleanup costs if groundwater contamination occurs in the future.

The foregoing conditions are listed for illustration purposes and are not exclusive.

(B) TRANSFERS OF INTEREST IN PROPERTY. Conditional use permits issued under this section are non-transferable to successor owners of the property subject to the permit without the express written consent of the Village Board. The Village Board may set conditions and restrictions on the transfer including but not limited to a stipulation that the permit shall not be transferred unless the new owner expressly and in writing assumes the same terms, if any, for personal liability as were required of the former owner in the conditional use permit to be transferred. Written permission shall be obtained prior to the voluntary transfer of the subject property. When an involuntary transfer occurs, the new owner, trustee, or other successor to an interest in the real property shall apply to the Village within 60 days for permission to continue the use granted by the conditional use permit.
(C) PAYMENT OF COSTS. The applicant shall be solely and exclusively responsible for any and all costs associated with the application. The conditional use will become effective only after any costs incurred by the Village during the conditional use application review process and billed to the applicant are paid by the applicant. Those costs may include:
  (a) The Village's expenses, including consultant's and attorney's fees, if any, associated with the review at the invoiced amount plus administrative costs.
  (b) The cost of an environmental impact study if so, required by the Village or its designee.
  (c) The cost of groundwater monitoring or groundwater wells if required by the Village or its designee.
  (d) The costs of an appraisal for the property or other property evaluation expense if required by the Village or its designee.

(f) Existing Non-Conforming Uses.
Non-conforming uses lawfully in existence within the Groundwater Protection Overlay District at the adoption of the ordinance creating this district may continue to exist in the form and scope in which they existed at that time subject to the following provisions.

(A) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the Village upon request.

(B) Existing facilities shall replace equipment or expand in a manner that improvise the existing environmental and safety technologies already in existence.
(C) In the event a lawful non-conforming use poses a direct hazard to the Village's public water supply, the Village may take any action permitted by law to abate the hazard.
(D) Existing facilities shall have the responsibility of devising and/or filing with the Village, a contingency plan satisfactory to the Plan Commission for the immediate notification of the appropriate Village officers in the event of an emergency.

(g) No Acceptance of Liability by Village.
Nothing in this section shall be construed to imply that the Village has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.

(h) Enforcement and Penalties.
(A) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the Village of Milltown.
(B) The individual/facility shall be responsible for all costs of cleanup and the Village of Milltown consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, which includes all of the cost of Village employees' time associated in any way with the clean-up, the cost of Village equipment employed and the cost of mileage reimbursed to Village employees attributed to the clean-up.
(C) Following any such discharge, the Village may require additional test monitoring or other requirements as outlined in Sections 5 and 6 herein.
(D) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Ordinance.
(E) Penalties: Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars ($100.00) or more than five thousand dollars ($5,000.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(i) Conflict and Severability.
If any section, subsection, sentence, clause, paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

CHAPTER 2

Sewer Utility Regulations and Rates

9-2-1 Purpose of Chapter
9-2-2 Definitions
9-2-3 General Requirements
9-2-4 Prohibited Discharges
9-2-5 Limited and Restricted Discharges
9-2-6 Pretreatment
9-2-7 Special Agreements
9-2-8 Industrial Wastes
9-2-9 Industrial Cost Recovery
9-2-10 Sewer Service Charge3
9-2-11 Violations and Penalties

SEC. 9-2-1 PURPOSE OF CHAPTER

The purpose of this Chapter is to provide for the use of the publicly owned sewerage facilities located within the area served by the Village of Milltown, Polk County, Wisconsin, without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewaters 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.

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 shall mean the Village of Milltown Village Board or its authorized deputy, agent, representative or consulting engineer.
   (2) BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at twenty (20) degrees centigrade and expressed in milligrams per liter (mg/l).
   (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 Village which are not residential and are not classified as an industrial user.
   (5) Compatible Pollutants means 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 under Sections 9-2-4 and 9-2-5.
   (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) Incompatible Pollutants are all pollutants which are not compatible as defined in this Section.

(9) Industrial Cost Recovery means recovery by the Village from industrial users of a wastewater works of the grant amount allocable to the treatment of wastes from such users pursuant to Section 204(b) of the Federal Act.

(10) Industrial User means nongovernmental users of publicly owned treatment works which discharge more than twenty-five thousand (25,000) gallons per day of domestic waste, or a volume of process waste or combined process and domestic waste equivalent to twenty-five thousand (25,000) gallons per day of domestic waste.

(11) Industrial Waste means the wastewater from an industrial user as distinct from domestic wastewater.

(12) Operation and Maintenance Costs shall mean all costs incurred in the operation and maintenance of the Village's wastewater treatment works. This class of cost shall include, but not be limited to, labor, energy, chemicals and replacement costs and excludes debt retirement.

(13) Person means any individual, firm, company, association, society, corporation or group.

(14) 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.

(15) Replacement Cost means the cost associated with maintaining a fund with sufficient resources to provide for obtaining and installing the equipment associated with the Village's wastewater treatment works at the end of the service life of each equipment item. The yearly replacement cost is calculated as follows:

$$a = \frac{\text{Present Installed Cost}}{\text{Projected Service Life}}$$

(16) Sanitary Sewer means a sewer that conveys domestic wastewater or industrial waste or a combination of both and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally passed.

(17) Sewer Service Charge is the sum of user charge, debit service charge and any applicable surcharge.

(18) 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 or flows during normal operation and which adversely affects the collection system and/or performance of the wastewater treatment plant.

(19) 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 Wasteworks Association and the Federation of Sewage and Industrial Wastes Association.

(20) Storm Sewer means a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

(21) 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.

(22)Suspended Solids (SS) means total suspended matter that either floats on the surface of or is in suspension in water, sewage or other liquids and which is removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods".

(23)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.

(24)User means any person discharging domestic wastewater or industrial wastes into the collection system.

(25)User Charge means that charge to users of the treatment plant which adequately provides for proportionate recovery of the operation and maintenance costs.

(26)User Class means a group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.

(27)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.

(28)Wastewater Treatment Works means all facilities for collection, pumping, treating and disposing of domestic wastewater and industrial waste.

(29)WPDES Permit means the Wisconsin Pollutant Discharge Elimination System Permit which allows the Village to discharge wastes to a watercourse, provided those wastes meet the conditions of the permit.

SEC. 9-2-3 GENERAL REQUIREMENTS.

(a) **Discharge of Wastewater 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 – Compliance with Provisions Required**. Except as provided in this Section, it shall be unlawful to construct or maintain and 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 with 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 the date of official notice to do so, provided that said public sewer is within one hundred (100) feet [thirty and one-half (30.5) meters] 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 Polk County Zoning Administrator and comply with the then-applicable Polk County sanitary laws. The Village expressly consents to the enforcement of such laws by the Polk County Zoning Administrator and other Polk County officials within the Village. Violations of this Section may also be prosecuted by the Village.

(e) **Inspection of Installation**. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction; and in any event, the applicant for the permit shall notify the approving authority 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 approving authority.

(f) **Compliance with Certain State Provision Required – Discharge to natural Outlet Prohibited**. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Health and Social Services of the state. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(g) **Connection with public Sewer Required**; **When**. At such time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in Subsection (f) above, a direct connection shall be made to the public sewer within ninety (90) days, in compliance with this Chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(h) **Sanitary Operation Required.** The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Village.

(i) **Conflict of Provisions.** No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(j) **A Wastewater Discharge Permit** shall be required of any person desiring to discharge wastewater to the wastewater treatment works and shall be 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 an 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 9-2-8 of this Chapter.

(k) **Owner Responsibility and Compliance with Village Regulations.** All costs and expenses incidental to the installation and connection of the building 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.

SEC. 9-2-4 PROHIBITED DISCHARGES.

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

(b) Storm water, other than that exempted under Subsection (a) above, 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 approving authority. Unpolluted industrial cooling water or process

waters may be discharged on approval of the approving authority, to a storm sewer or natural outlet.

(c) Except as provided in this Chapter, no person shall discharge or cause to be discharged any of the following-described water or wastes to any public sewer:
   (1) Gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
   (2) 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.
   (3) Water or wastes having a pH lower than sic (6.0) or higher than ten (10.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
   (4) 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 wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SEC. 9-2-5 LIMITED AND RESTRICTED DISCHARGES.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger life, limb or public property or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the approving authority will give consideration to such factors as the quantity of 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 in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the approving authority are as follows:

(a) Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit [sixty-five (65) degrees Celsius].
(b) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
(c) Wastewater from industrial plants containing floatable oils, fats or grease.
(d) Garbage that has not been properly shredded. 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 were served by caterers.
(e) Water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority in compliance with state regulations.

(f) Water or wastes containing odor-producing substances exceeding limits which may be established by the approving authority in compliance with state regulations.
(g) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the approving authority in compliance with state or federal regulations.
(h) Quantities of flow, concentrations, or both, which constitute a "slug", as defined in Section 9-2-2.
(i) 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 Village's WPDES permit.
(j) Water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
(k) Material which exerts or cause:
    (1) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
    (2) Unusual volume of flow or concentration of wastes constituting "slugs".
    (3) Unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues or of dissolved solids, such as sodium sulfate.
    (4) Excessive discoloration, such as dye wastes and vegetable tanning solutions.

SEC. 9-2-6 PRETREATMENT.

(a) **Pretreatment Required When; Cost.** When, in the opinion of the approving authority and in accordance with Title 40, Part 128, of the Code of Federal Regulations and other applicable state and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person creating the waste shall provide, at his expense, such preliminary treatment or processing facility as may be determined required to render his wastes acceptable for admission to the public sewers.
(b) **Interceptor Requirements.** Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of such wastes, except that such 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, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the approving authority. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste-disposal firms.

SEC. 9-2-7 SPECIAL AGREEMENTS.

No statement contained in this Chapter shall be construed 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 sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person.

SEC. 9-2-8 INDUSTRIAL WASTES.

(a) An industrial wastewater discharge permit is required under Section 9-2-3. For any discharge by an industrial user as defined in 40 C.F.R. 35.905-8, this permit must be obtained one hundred (100) days prior to the beginning of discharge. In support of his 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 season 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 approving authority to be necessary to evaluate the permit application.

(b) The approving authority will use a consulting engineer to evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the approving authority may issue a wastewater discharge permit subject to appropriate terms and conditions.

SEC. 9-2-9 INDUSTRIAL COST RECOVERY.

At the Village currently has no industrial users, this Section will be expanded in accordance with 40 C.R.R. 35.92B at such time as an application for an industrial discharge permit is made. A part of this Section will be modified to include such monitoring and testing requirements necessary for equitable division of costs.

SEC. 9-2-10 SEWER SERVICE CHARGE.

(a) **Authority**. The Village shall have the authority to establish and collect a sewer service charge for the use of the public wastewater treatment works maintained by the Village.

(b) **Classes of users**.
   (1) The following user classes are established:
      a. Residential.
      b. Commercial and institutional.
      c. Industrial.
   (2) All users will pay at the residential rate plus the appropriate surcharges for their user class.

(c) **Method of Computing**. The service charge shall be based on water or wastewater meter readings, when available. When such meter readings are unavailable, the service charges will be based on the average flow per user, to be computed as follows:

$$QA = [QT – (QR + QI)] \div n$$

Where QT is the total recorded flow at the wastewater treatment works
QR is the total recorded flow from individual metered users
QI is the estimated volume of infiltration/inflow
n is the number of unmetered users, and
QA is the average wastewater flow per unmetered user

(d) **Debit Service Charge**. All charges incurred for debits prior to June 1, 1978, for capital improvements and operating and maintenance expenses for the wastewater treatment works shall be paid for by a debit service charge which is a part of the total sewer service charge or by such sums as the Village Board may annually elect to take from the general fund. The amount of this charge will be reviewed annually and adopted by resolution.

(e) **User Charge**. The user charge for the residential user class for discharging domestic wastewater shall be based on a minimum annual charge per user and on the volume used by each user. The amount of this charge will be reviewed annually and adopted by resolution.

(f) **Surcharges**.
(1) The commercial and institutional class of users shall be charged at the residential user rate and shall have no further surcharges.
(2) The industrial user class of users 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.

(g) **Industrial Cost Recovery** as determined in Section 9-2-9 shall be included here and made a part of the total sewer service charge.

(h) **Total Sewer Service Charge** shall be the sum of the debit service charge, user charge, any applicable surcharges and industrial cost recovery charges.

(i) **Billing Periods.** The debt charge, user charge, industrial surcharge and ICR payment portions of the service charges provided in this Section shall be included as separate items by the Village. The bill will be payable in accordance with the schedule established by the Village. These bills are normally payable in four (4) quarterly payments each year.

(j) **Due Date.** All portions of the service charges shall be payable at the time the bill for the same is issued.

(k) **Late Penalties.** Charges levied in accordance with this Section shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within twenty (20) days after it is due and payable, it shall be deemed delinquent and may 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.

(l) **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 become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose.
(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.

(m) **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.

(n) **Audit of Industrial Cost Recovery Account.** The Village shall conduct an annual audit of the separate industrial cost recovery account, if and when it is established, to ensure that proportionate and adequate payments are being made by industries to the Village and by the Village to the Federal Treasury.

SEC. 9-2-11 VIOLATIONS AND PENALTIES.

(a) **Willful, Negligent or Malicious Damage.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facility. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

(b) **Written Notice Required.** Any person found to be violating any provision of this Chapter, except Section 9-2-10(j), 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.

(c) **Accidental Discharge into Sewers.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as established by approving authority.

(d) **Continued Violations.** Any person, partnership or corporation, or any officer, agent or employee thereof who shall continue any violation beyond the notice time limit provided in this Section shall, upon conviction thereof, forfeit not more than five hundred dollars ($500.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

(e) **Liability for Expense, Loss or Damage.** Any person violating any provisions of this Chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

(f) **Arbitration of Differences of Opinion.** The Village Board shall arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this Chapter.

CHAPTER 3

Cable Television

9-3-1 Definitions
9-3-2 Grant of Franchise
9-3-3 Franchise Fee
9-3-4 Term
9-3-5 Compliance with Federal Law
9-3-6 Method of Installation
9-3-7 Authority to Trim Trees
9-3-8 Indemnity; Insurance
9-3-9 Unauthorized Corrections or Modifications
9-3-10 Transfer and Assignment
9-3-11 Franchise Revocations
9-3-12 Rates and Charges
9-3-13 Modifications

SEC. 9-3-1 DEFINITIONS.

The following words and phrases, whenever used in this Chapter shall be construed as defined below:

(a) "Basic Cable Service" shall have the meaning given in 47 U.S.C. 522(3), as in effect on the date hereof.

(b) "Cable Service" shall mean the transmission to subscribers of video programming or other programming service.

(c) "Grantee" shall mean Vision Communications, LLC, and its successors and assigns.

(d) "Gross Revenues" shall mean the Grantee's gross revenues derived from the provision of Cable Service to subscribers in the Municipality. "Gross Revenues" shall not include:
   (1) Revenues from Franchise Fees, pay-per-view, advertising, telecommunications services (other than Cable Service), or any tax or fee on services furnished by Grantee and imposed by any municipality, state or other governmental unit; or
   (2) Bad dept.

(e) "Municipality" shall mean Village of Milltown.

SEC. 9-3-2 GRANT OF FRANCHISE.

This Chapter grants to Vision Communications, LLC with offices at Luck, Wisconsin, a non-exclusive franchise to install, maintain and operate a system ("System") for the transmission of voice, video and data. Grantee is hereby granted the right to erect, maintain, and operate such a System in the streets, alleys, public rights of way and utility easements located in the Village and all other public places (collectively, "Rights of Way"). Grantee may erect its own poles and bury cables, as it deems necessary or appropriate, in such Rights of Way.

SEC. 9-3-3 FRANCHISE FEE.

(a) On or before March 31 of each year during the franchise, the Grantee shall pay to the Village a franchise fee ("Franchise Fee"). The Franchise Fee shall be equal to three percent (3%) of the Grantee's Gross Revenues generated from the sale of Basic Cable Service during the previous calendar year.
(b) Franchise Fee revenues shall be paid by the Grantee to a fund designated by the Village for PEG Uses and the Village shall use Franchise Fee revenues only for the purpose of establishing and/or operating public access, education or government programming channels ("PEG Uses").

SEC. 9-3-4 TERM.

The term of this franchise grant shall be fifteen (15) years, and, provided this franchise has not been sooner revoked pursuant to Section 9-3-11, shall automatically be extended for additional terms of fifteen (15) years each.

SEC. 9-3-5 COMPLIANCE WITH FEDERAL LAW.

The Grantee shall maintain its System in compliance with all regulations of the Federal Communications Commission applicable to the provision of Cable Service ("FCC Regulations"), including technical and periodic filing requirements and applicable privacy laws.

SEC. 9-3-6 METHOD OF INSTALLATION.

All installations by the Grantee shall be made in good, substantial, safe condition and maintained in such condition at all times. Grantee shall restore all areas of construction and/or excavation so as to repair damage done by Grantee to such areas in the course of constructing its cable television system.

SEC. 9-3-7 AUTHORITY TO TRIM TREES.

The Grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks and other public places of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.

SEC. 9-3-8 INDEMNITY; INSURANCE.

(a) The Grantee shall indemnify, and hold the Village and its employees harmless from all claims, damages, losses and expenses sustained by the Municipality on account of any suite, judgment, execution, claim or demand whatsoever arising out of Grantee's installation, operation, maintenance, repair, use or removal of its System, except for such claims, damages, losses and expenses, including attorney's fees, which are attributable in whole or in part to acts of the Village or its employees or agents.
(b) The Grantee shall maintain throughout the term of the franchise a general comprehensive liability insurance policy. A certificate of insurance coverage shall be provided to the Village upon request.

SEC. 9-3-9 UNAUTHORIZED CONNECTIONS OR MODIFICATIONS.

(a) It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the prior written consent of the Grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the Grantee's System for any purpose whatsoever. A violation of this Section shall be considered a separate violation for each twenty-four (24) hour period the violation occurs.
(b) It shall be unlawful for any firm, person, group, company, corporation or government body or agency wo willfully interfere, tamper, remove, obstruct or damage any part, segment or content of Grantee's System for any purpose whatsoever.

SEC 9-3-10 TRANSFER AND ASSIGNMENT.

This franchise may be assigned, pledged, hypothecated, mortgaged or transferred (each a "Transfer") by Grantee so long as Grantee provides the Village with prior written notice of such Transfer and the transferee certifies in writing that it will comply with each and every term of this franchise.

SEC. 9-3-11 FRANCHISE REVOCATION.

(a) The Village may, subject to federal and state law and the procedure in Subsection (b) below, revoke the franchise granted hereunder in the event of Grantee's material and substantial breach ("Breach") of this Chapter.
(b) In the event of a claimed breach of this Chapter, the Village shall promptly give Grantee written notice of such breach, which notice shall describe in reasonable detail the scope and nature of such breach. Grantee shall then have sixty (60) day period, the Village may, after providing Grantee notice and an opportunity to be heard, revoke this franchise. Prior to the hearing on such revocation, the Village shall provide the Grantee with a reasonably detailed written summary of the reasons for the revocation. The revocation shall be subject to de novo judicial review.

SEC. 9-3-12 RATES AND CHARGES.

The rates and charges for services to subscribers, including, among other things, installation charges, processing or late fees, and modification charges, shall be set by Grantee in compliance with applicable FCC Regulations.

SEC. 9-3-13 MODIFICATIONS.

Amendments or modifications to this Chapter may be made only after giving, Grantee prior written notice and an opportunity to be heard. Amendments or modifications which may have an adverse impact on Grantee may be made only upon the mutual agreement of the Village and Grantee.

TITLE 10

Motor Vehicles and Traffic

Chapter 1 Traffic and Parking
Chapter 2 Bicycles
Chapter3 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 Controlled Intersections; Street Traffic Regulations

10-1-10 Operators to Obey Traffic Control Devices
10-1-11 Heavy Traffic Routes
10-1-12 Through Streets
10-1-13 U-Turns, Y Turns and Left Turns for Parking
10-1-14 through
10-1-19 Reserved for Future Use

Article C Parking Regulations

10-1-20 Restrictions on Parking; Posted Limitations; Snow Emergencies
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 Winter Parking Prohibited Zones
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 in Public Parking Lots
10-1-31 Removal of Illegally parked Vehicles
10-1-32 Inoperable, Wrecked or Discarded Vehicles
10-1-33 through
10-1-39 Reserved for Future use

Article D Miscellaneous Provisions

10-1-40 Motor Vehicle Conduct Prohibited
10-1-41 Motor Vehicles on Pedestrian Ways and Overpasses
10-1-42 Driving Over Curbing or Safety Islands Prohibited
10-1-43 Compression Brake Regulation
10-1-44 through
10-1-49 Reserved for Future Use

Article E Enforcement 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 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, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 to 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 Milltown, 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 eh prosecution of such offenses under this Chapter shall be as provided in Chapters 340 to 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 1985-86 as from time to time amended, repealed or modified by the Wisconsin Legislature.

(d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

SEC. 10-1-2 STATE ADMINISTRATIVE CODE PROVISIONS ADOPTED.

(a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code – MVD 3 Reciprocity – Nonresident Motor Carriers [Penalties of Wis. Stats. Sec. 341.04 apply]
Wis. Adm. Code – MVD 4 Lettering on Vehicles, Display of Evidence of Registration and Dual Permit
Wis. Adm. Code – MVD 5 Standards for Motor Vehicle Equipment
Wis. Adm. Code – MVD 6 Transportation of Explosives by Motor Vehicle

Wis. Adm. Code – MVD 17 Transportation of Explosives by Motor Vehicle
Wis. Adm. Code – MVD 18 Protective Headgear Standards and Specifications
Wis. Adm. Code – MVD 22 Standards and Specifications – Design and Mounting SMV Emblem

(b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the Village a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.

(c) **Owner's Liability.** Any owner of a vehicle not equipped as required by this Section who knowingly causes or permits such vehicle to be operated on a highway in violation of this Section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of Sec. 347.04, Wis. Stats., relating to non-applicability of demerit points shall apply to owners convicted of a violation of this Section.

(d) **Safety Checks.**

(1) Operators to Submit to Inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.

(2) Authority of Officer. Any law enforcement officer of the Village is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, hors and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.

(3) Vehicle to be Removed from Highway. Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.

(e) **Penalty**. Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Subsection (c) of this Section, together with the costs of prosecution and applicable penalty assessment.

SEC. 10-1-3 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES; PROHIBITED SIGNS, SIGNALS AND MARKERS.

(a) **Duty of Chief of police 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 Chief of Police shall procure, erect and maintain uniform traffic control devices conforming to the 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 judgement of the Chief of Police or his designee, will carry out the purposes of this Chapter and to give adequate warning to users of the streets and highways of the Village of Milltown.

(b) **Code numbers to be affixed to Official Traffic Control Devices.** The Chief of Police or his designee shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

(c) **Prohibited Signs and Markers in Highway.** 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 Chief of Police 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 Chief of Police or his designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Chief of Police or his designee to the Village Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

SEC. 10-1-4 REGISTRATION RECORD OF VEHICLE AS EVIDENCE.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplies 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 defense defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

SEC. 10-1-5 SCHOOL BUS WARNING LIGHTS.

(a) Notwithstanding the provisions of Sec. 346.48(2)(b)2, Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

(b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by " school" warning signs as provided in Sec. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

SEC. 10-1-6 BLUE WARNING LIGHTS ON POLICE VEHICLES.

(a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m) (a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(1), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.

(b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

SEC. 10-1-7 ACCIDENT REPORTS.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70 of the Wisconsin Statutes, if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73 of the Wisconsin Statutes specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

SEC. 10-1-8 AND SEC. 10-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

Controlled Intersections; Street Traffic Regulations

SEC. 10-1-10 OPERATORS TO OBEY TRAFFIC CONTROL DEVICES.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statues 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, including recreational vehicles, and having a gross weight of more than fifteen thousand (15,000) pounds.

(b) **Prohibited Routes**. Heavy traffic is prohibited from using any Village Street or highway not designated as a heavy traffic route. This Section shall not act to prohibit heavy traffic from using a Village Street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway. Furthermore, this Section will not act to prohibit heavy traffic from using any Village streets over which are routed stated 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 Police Department shall administer this Section. Administration shall include:
   (1) Posting of signs. Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.
   (2) Maps. Heavy traffic routes shall be shown on the Official Traffic Map.
   (3) Construction equipment.
      a. The Police Department or Village Clerk-Treasurer may grant temporary permits to allow heavy construction equipment to use Village streets or highways not designated as heavy traffic routes. These permits may be granted only when use of a non-designated route is necessary for the equipment to reach a construction site. No permit may be issued unless the person or corporation owning the equipment agrees to reimburse and hold the Village harmless for any damage done to the Village Street by the equipment and/or any personal injury or property damage caused in part or in whole by the street damage.
      b. Village-owned or operated equipment is specifically excluded from the provisions of this Section.

(d) **Liability**. Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Village streets or highways in violating this Section shall be liable and required to pay the Village the cost of repair or replacement of the damaged street or highway.

(e) **Special and Seasonal Weight Limitations**. The Chief of police shall have the authority to impose special or season weight limits on any highway, bridge or culvert maintained by the Village to prevent injury to the roadway or for the safety of the users of such bridge or culvert and shall be responsible for erecting Uniform Traffic Control Devices giving notice thereof in accordance with the proving of Section 10-1-3.

(f) **Heavy Traffic Routes Designated**. All streets and alleys within the Village of Milltown are designated Class "B" highways subject to the weight limitations of Section 346.16, Wis. Stats., except the following streets or parts thereof within the jurisdiction of the Village are hereby designated heavy traffic routes and are excepted from the Class "B" weight limitations.
   (1) State Highway 35

SEC. 10-1-12 THROUGH STREETS

The following streets are designated as arteries for through traffic:

(a) State Highway 35.
(b) County Trunk Highway G.
(c) From the intersection of State Highway 35 and County Trunk Highway G, Second Avenue extending north and south to the Village limits, except for such intersection.
(d) Milltown Avenue from State Highway 35 to Second Avenue, except for Main Street.
(e) Bank Street from State Highway 35 to Milltown Avenue, except for Second Avenue.

SEC. 10-1-13 U-TURNS AND Y-TURNS PROHIBITED.

Except at designated intersections, U-turns and Y-turns are prohibited in the Village of Milltown.

(a) **Left Turn for Parking:** No person shall make a left-hand turn, crossing the double yellow centerline of the street, for the purpose of parking on Main Street. Left hand turn is permitted to turn into a parking lot of a business, or a residential driveway. Any person in violation of this ordinance shall be subject to a forfeiture of not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00), plus any court costs if applicable.

SEC. 10-1-14 THROUGH 10-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Parking Regulations

SEC. 10-1-20 RESTRICTIONS ON PARKING; POSTED LIMITATIONS.

(a) **Forty-eight (48) Hour Limitation**. No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public street or public parking lot in the Village for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the Village where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.

(b) **Posted Limitations**.

(1) The Village Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Village shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.

(2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.

(3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Chapter 346. The Chief of Police shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

(4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

(5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

SEC. 10-1-21 PARKING RESTRICTIONS DURING TEMPORARY SNOW REMOVAL OR STREET MAINTENANCE

(a) **Street Maintenance**. Whenever it is necessary to clear or repair a Village roadway or any part thereof, the Police Department shall post such highways or parts thereof with signs bearing the words "No Parking – Street Maintenance Work". Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

(b) **Temporary Parking Restrictions for Special 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 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 like to exist.

(c) **Parking During Snow Removal**. No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with signs or barriers by the Police Department of the Village indicating no parking due to snow removal.

SEC. 10-1-22 STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES.

(a) **Parking Prohibited at all Times**. Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

(1) Within an intersection.
(2) On a crosswalk.
(3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "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) 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, or at any time upon any street or portion of any street along any curb painted y4ellow as authorized by the Village Board.
(7) In any place or manner so as to obstruct, block or impede traffic.
(8) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
(9) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
(10) Upon any bridge.
(11) 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.

(12)Upon any terrace or sidewalk in the Village at any time.
(13)In a loading zoning.

(b) **Parking in Driveways**. No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.

(c) **Vehicles not to Block Private Drive, Alley or Fire Lane**. No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(d) **Parking Vehicle for Repair or to Display for Sale Prohibited**. No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the Village for the purpose of repairing said vehicle or to display such vehicle for sale.

SEC. 10-1-23 PARKING RESERVED FOR VEHICLES OF DISABLED.

When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.

SEC. 10-1-24 LEAVING KEYS IN VEHICLE PROHIBITE; PARKING VEHICLES WITH MOTOR RUNNING.

(a) **Leaving Keys in Vehicle**. No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.

(b) **Parking Vehicles with Motor Running**. No person shall park or leave standing any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the Village between the hours of 10:00 p.m. and 7:00 a.m.

SEC. 10-1-25 UNATTENDED MOTORIZED MACHINERY.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

SEC. 10-1-26 ANGLE PARKING.

(a) Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the Village except where vehicle parking markers indicate that angle parking is permissible. All vehicles shall park parallel to, and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
(b) No person shall at any time park any vehicle:
  (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
  (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
  (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

SEC. 10-1-27WINTER PARKING PROHIBITED ZONES

(a) No person shall park any motor vehicle or trailer upon any street in the Village of Milltown between the hours of 2:30 a.m. and 6:00 a.m. from November 1st to April 1st, except as provided herein.
(b) A temporary permit valid for one (1) night only may be issued to any person for just cause by any law enforcement officer, the Village President or Village Clerk-Treasurer.

SEC. 10-1-28 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. 10-1-29 OPERATION OF MOTOR VEHICLES IN PUBLIC PARKING LOTS.

(a) **Unlicensed Operators Prohibited**. No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
(b) **Traffic Regulations Applicable**.
  (1) 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.
  (2) In addition, no person shall operator a motor vehicle on such premises:
    a. At a speed in excess of twenty (20) miles per hour.
    b. Outside of driving lanes indicated by painted lines.
    c. Across parking stalls indicated by painted lines, except that this ordinance shall not apply to entering and occupying a parking stall.
    d. In a manner known as "spinning doughnuts", wherein the vehicle is driven rapidly in a tight radius.
    e. At a rapid or sudden acceleration that results in the squealing of tires or the leaving of tire marks.

SEC. 10-1-30 REMOVAL OF ILLEGALLY PARKED VEHICLES.

(a) **Hazard to Public Safety**. Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
(b) **Removal by Operator**. Such vehicle shall be removed by the operator in charge, upon request of any traffic officer, to a position where parking is permitted or to a private or public parking or storage premises.
(c) **Removal by Traffic Officer**. Any traffic officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
(d) **Removal by Private Service**. The officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.
(e) **Towing and Storage Charges**. In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.

SEC. 10-1-31 INOPERABLE, WRECKED OR DISCARDED VEHICLES.

(a) **Storage Prohibited**. No person owning or having custody of any partially dismantled, non-operable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than twenty-four (24) hours after notification thereof by the Police Department. Notification shall be accomplished by placing in a conspicuous place on the vehicle and by mailing or serving upon the owner or occupant in charge of the premises a written notice setting forth briefly the applicable provisions of this Section and the date of the notice. Any vehicle so tagged which is not removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section 10-1-30.
(b) **Exemptions**. This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the Village.

SEC. 10-1-32 THROUGH SEC. 10-1-39 RESERVED FOR FUTURE USE.

ARTICLE D

Miscellaneous Provisions

SEC. 10-1-40 MOTOR VEHICLE CONDUCT PROHIBITED.

(a) **Unnecessary Noise 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 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 Milltown.

(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 of Milltown.

(c) **Unnecessary Acceleration Prohibited**. It shall be unlawful for any person to operator a motor vehicle in such a manner which shall make or cause to be made any stones, gravel, soil, dirt, water, snow, slush, ice, rubber or any other debris to be thrown by the wheels of such motor vehicle upon the person or property of any person in the Village.

(d) **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.

(e) **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. The Section shall specifically include but not be limited to:
   (1) Village Park property;
   (2) School properties;
   (3) Medical facilities;
   (4) Funeral homes;
   (5) Service stations;
   (6) Grocery stores;
   (7) Restaurants;
   (8) Financial institutions; and
   (9) Other similar-type businesses with service driveways or drive-up or drive-through facilities.

(f) **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 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 Milltown except municipal or county maintenance vehicles.

SEC. 10-1-42 DRIVING OVER CURBIN 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 Milltown.
(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. 10-1-43 COMPRESSION BRAKE REGULATION.

(a) No person shall use motor vehicle brakes within the Village of Milltown which are in any way activated or operated by the compression of the engine of a motor vehicle or any unit or part thereof, except in an emergency situation.
(b) Any person who shall violate this Section shall pay a forfeiture of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00), plus court costs.

SEC. 10-1-44 THROUGH 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 judgement 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 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 ass4essment 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 Statues 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 or 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 Chapters 341 and 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 penalty for all other parking violations not included under Subsection (1) above, subject to the exceptions listed below, shall be five dollars ($5.00) if paid within the first five (5) days after issuance of the violation. Failure to pay the penalty within five (5) days after issuance of the violation causes the penalty to be increase to ten dollars ($10.00). Failure to pay the increased penalty within thirty (30) days after issuance of the violation further causes the penalty to be increased to twenty-five dollars ($25.00).

(e) **Other Violations**. Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than ten dollars ($10.00) nor more than two hundred dollars ($200.00).

SEC. 10-1-51 ENFORCEMENT.

(a) **Enforcement Procedures**.

(1) How Enforced. This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.

(2) Applicable Court Procedures. Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in the Circuit Court.

(b) **Citations**.

(1) Uniform Citation and Complaint. The Wisconsin Uniform Traffic Citation and Complaint described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Section 346.71 through 346.73m Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.

(2) Parking Citations. The Chief of Police shall recommend a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(c) **Deposits and Stipulations.**

(1) Uniform Traffic Offenses.

a. Who May Make. Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.121(1)(b) of the Wisconsin Statues 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 and may be accepted with five (5) days of the date of the alleged violation. Stipulations may be accepted by the Police Department.

b. Delivery or Mailing of Deposit and Stipulation. Any person stipulating guilt or no contest under the preceding Subsection must make the deposit if required under Sec. 345.26 of the Wisconsin Statues or, if the deposit is not established under such Statue, 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 by the Police Department within five (5) days of the issuance of the citation in lieu of court appearance.

c. Receipt Required. Every officer accepting a stipulation under the provisions of this Chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2) of the Wisconsin Statutes and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated

under Sec. 345.11 of the Wisconsin Statues. The official or person receiving the deposit shall furnish and deliver or mail an original receipt for such deposit to the alleged violator and shall deliver the deposit and stipulation, and a copy of the receipt within seven (7) days to the Clerk of Courts.

(2) Non-moving Traffic Offenses.
   a. Direct Payment of Penalty Permitted. Person cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. If not forwarded, the penalty may be discharged by forwarding within ten (10) days of the date of citation to the above-named office the amount of ten dollars ($10.00). When payment is made as provided in this paragraph, no court costs shall be charged.
   b. Court Prosecution. If the alleged violator does not deliver or mail a deposit as provided in Subsection a. within ten (10) days of the date of the citation, the Chief of Police 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. Deposits Returned to Village Clerk-Treasurer. Officers receiving deposits for non-moving traffic violations under this Subsection shall pay over such deposits to the Village Clerk-Treasurer within seven (7) days of receipt. Such payment shall be accompanied by an itemized statement for each deposit of the offense charged and the name of the depositor.
   e. Bond. Any officer authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.

(3) Notice of Demerit Points and Receipt. Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor in triplicate as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) Registration Suspension Program.
   a. The Village shall participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128 and all amendments or changes thereto.
   b. The Police Department is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code Trans. 128. The Police Department is authorized to perform, on behalf of the Village, all functions required of a local authority under said Statutes and Code including, but not limited to:
      1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
      2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;

3. Determining the method by which the Village will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.

c. 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. 128m Wis. Adm. Code.

CHAPTER 2

Bicycles

10-2-1 Definitions
10-2-2 Manner of Operation Restricted
10-2-3 Lighting and Other Equipment
10-2-4 Parking a Bicycle
10-2-5 Rules of the Road
10-2-6 Bicycle Regulations
10-2-7 Play Vehicles
10-2-8 Penalties

SEC. 10-2-1 DEFINITIONS.

As used in this Chapter:

(a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels.
(b) **Bicycle' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
(c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
(d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
(e) **Carrier** means any device attached to a bicycle designated for carrying articles.
(f) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

SEC. 10-2-2 MANNER OF OPERATION REQUIRED.

No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the Village nor shall any bicycle rider carry or ride any other person so that two (2) persons are on the bicycle at one time, unless a seat is provided for a second person.

SEC. 10-2-3 LIGHTING AND OTHER EQUIPMENT.

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.81, Wis. Stats.

SEC. 10-2-4 PARKING A BICYCLE.

No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles shall be parked either upon the roadway against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in

the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within twenty-four (24) inches of the curb.

SEC. 10-2-5 RULES OF THE ROAD.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village Ordinances shall govern the operation of bicycles where appropriate.

SEC. 10-2-6 BICYCLE REGULATIONS.

(a) **Rules for Turning.**
   (1) The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right-hand edge or curb of the highway.
   (2) The operator of a bicycle intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the street and pass immediately to the left of the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
   (3) At any intersection where traffic is controlled by a traffic control signal or by a traffic officer, it shall be unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign or signal placed in accordance with the laws of the State of Wisconsin and the Ordinances of the Village.
   (4) Crosswalks shall be used when walking a bicycle through an intersection.

(b) **Trick Riding**. No person shall operate a bicycle upon the streets of said Village without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.

(c) **Tandem Riding**. No person shall ride or propel a bicycle on a street in said Village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.

(d) **Emerging from Alley or Driveway**. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

(e) **Bicycles not to be pulled by Moving Vehicles**. No person riding upon a bicycle shall cling or attach himself or his bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person or roller skates, toy vehicles or any other similar vehicle on such highway.

(f) **Speed**. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.

(g) **Operation of Sidewalks**. No person shall operate or make use of a bicycle on sidewalks in the Village of Milltown.

(h) **Parking Bicycles**. No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line.

SEC. 10-2-7 PLAY VEHICLES.

(a) **Play Vehicle Streets Prohibited.** No person shall operate or make use of a play vehicle on any street in the Village of Milltown.

(b) **Play Vehicle Areas Prohibited.** No person shall operate or make use of a play vehicle on any public parking lot, upon any private parking lot held out for public use or upon any private driveway or private property without the owner's consent.

(c) **Responsibility of parent or Guardian for Violation of Play Vehicle Regulations.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this Section.

(d) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) Play Vehicle. Any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

SEC. 10-2-8 PENALTIES.

(a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Ordinance Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

(b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provision of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than twenty-five dollars ($25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.

(c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:

(1) First offense in one (1) year: a warning letter sent to the parent or guardian requiring their signature and return of the warning notice to the Police Department.

(2) Second offense in the same year: a warning letter mailed to parent or guardian.

(3) Third offense in the same year: a mandatory parent-child-police conference.

(4) Fourth and subsequent offense in the same year: referral to Polk Court Juvenile Court.

(d) Any parent or guardian of any child who authorized or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provision of Section 346.77 and 346.82(1), Wis. Stats.

CHAPTER 3

Snowmobiles

10-3-1 State Snowmobile Laws Adopted
10-3-2 Applicability of Traffic Regulations to Snowmobiles
10-3-3 Speed; Hours of Operation; Equipment
10-3-4 Unattended Vehicles
10-3-5 Operation on Sidewalks Prohibited
10-3-6 Snowmobile Routes and Trails Designated
10-3-7 Penalty
10-3-8 Enforcement

SEC. 10-3-1 STATE SNOWMOBILE LAWS ADOPTED.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statues 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 REGULATIOSN TO SNOWMOBILES.

No person shall operate a snowmobile upon any street, highway or alley within the Village of Milltown 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 SPEED; HOURS OF OPERATION; EQUPMENT.

(a) **Speed**. No person shall operate a snowmobile within the Village or on any trail designated in Section 10-3-6 of this Chapter at a speed in excess of twenty (20) miles per hour.
(b) **Hours of Operation Restricted**. No person shall operate a snowmobile within the Village between the ours of 2:30 a.m. to 6:00 a.m., except for one (1) entry to reach a specific destination by the most direct route authorized under this Chapter or one (1) exit to leave the Village, and then only as permitted by the provisions of this Chapter.
(c) **Restriction on Equipment**. No snowmobile or other vehicle operating on the snowmobile route shall be allowed if it has an expansion chamber or any muffler other than the type and size provided by the manufacturer. Each snowmobile must display a lighted headlight and taillight at all times and said lights must conform to the requirements of Section 350.09 of the Wisconsin Statutes.

SEC. 10-3-4 UNATTENDED 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. 10-3-5 OPERATION ON SIDEWALKS PROHIBITED.

No person shall operate a snowmobile upon any sidewalk, pedestrian way or upon the area between the sidewalk and the burb line of any street in the Village, except as specifically authorized by Section 10-3-6 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

SEC. 10-3-6 SNOWMOBILE ROUTES AND TRAILS DESIGNATED.

(a) **Routes Designated**. Except as provided in Sections 350.02, 350.03 and 350.045 of the Wisconsin Statues, or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public municipal property in the Village except upon snowmobile routes designated by the Village Board and on file with the Clerk-Treasurer. Any Village Street, excluding State Highway 35, may be used only as a most direct access route to or from the nearest marked trail or areas permitted for use, provided all other regulations are followed. Snowmobiles operated on designated snowmobile routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346 of the Wisconsin Statutes and which is adopted by reference and made a part of this Chapter as if fully set forth in this Chapter. Any act required to be performed or prohibited by such laws is required or prohibited by this Chapter.
(b) **Trail Markers**. The Chief of police is directed and authorized to procure, erect and maintain appropriate snowmobile route, trail and limit signs and markers as approved by the State Department of natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.

(c) **Markers to be obeyed**. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.
(d) **Operation in Cemeteries**. Snowmobiles are prohibited from operating in cemeteries within the Village.

Cross Reference: Section 10-4-4.

SEC. 10-3-7 PENALTY.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than five hundred dollars ($500.00), together with the costs of prosecution, an, in default of payment thereof, may be imprisoned in the county jail for not exceeding ten (10) days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 8, Chapter 1, of this Code of Ordinances.

SEC. 10-3-8 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 (1) or (b) shall be enforced in accordance with Sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in Sec. 66.12(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Bail deposits may also be made under Sec. 66.12, Wis. Stats. Such deposits shall include a three-dollar ($3.00) Clerk's fee and costs of prosecutions.
(d) **Police Department to Receive Stipulations and Penalties**. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this Chapter may be accepted at the Police Department offices by the Chief or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded and such bond shall be filed with the Village Clerk-Treasurer.
(e) **Forfeited Penalties and Deposits**. Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges 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 Speed Limits
10-4-3 Penalties
10-4-4 Unauthorized Operation of Motor Vehicles on Public or Private Property

SEC. 10-4-1 STATE ALL-TERRAIN VEHICLES LAWS ADOPTED.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(2)	Registration
22.33(3)	Rules of operation [including Subsections (a) through (i)]
22.33(4)	Operation on or near highway [including Subsections (a) through (e)]
22.33(5)(a)(c)	Age restrictions
22.33(6)	Equipment requirements [including Subsections (a) through (3)]
22.33(7)	Accidents [including Subsections (a) and (b)]
22.33(1)	Definitions [including Subsections (a) through (n)]

SEC. 10-4-2 SPEED LIMITS.

No person shall operation an all-terrain vehicle within the Village, except on an all-terrain route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Milltown at a speed in excess of ten (10) miles per hour. No person may operate an all-terrain vehicle on the designated access route within the Village of Milltown at a speed in excess of five (5) miles per hours.

SEC. 10-4-3 PENALTIES.

Violation of this Chapter shall be punishable by forfeiture and enforced pursuant to Sections 10-4-10 and 10-4-11.

SEC. 10-4-4 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

(a) **Purpose**.

(1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

(2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
(3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
(4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) **Definitions**. For purposes of this Section, the terms below shall be defined as follows:
(1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
(2) Off-Road shall mean any location which:
a. Is not a paved or maintained public street or alley; or
b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.
(3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
(4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, dune buggies and tractors. Motor vehicle shall not mean nay airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
(5) Street or Highway means all public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.

(c) **Unauthorized Off-Road Operation prohibited**.
(1) The unauthorized off-road operation of a motor vehicle is prohibited.
(2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in authorized areas pursuant to Sections 10-3-9 and 10-4-2, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor0driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the consent of the owner before operation of such craft or vehicle on private lands. Failure to post private property does not imply consent for use. Any operator of a vehicle of-road shall, at all times, have the consent of the owner of private property before operation of such vehicle on private property.

(d) **Prohibited Use of Snowmobile Trails.** Except as provided in Subsection (b)(4) above, no person shall op0erate any motor vehicle other than a snowmobile on a snowmobile trail.

(e) **Operations of Motor Vehicles Off-Road**. No person shall operate a motor vehicle off-road in the Village of Milltown in the following manner:

(1) At a rate of speed that is unreasonable or imprudent under the circumstances.
(2) In any careless way so as to endanger the person or property of another.
(3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
(4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
(5) Without a functioning muffler.
(6) Upon slide, ski or skating areas, except for the purposes of serving the area of crossing the places were marked by designated trails.

CHAPTER 5

Abandoned and Junked Vehicles

10-5-1 Abandoned Vehicles; Definitions
10-5-2 Removal and Impoundment of Vehicles
10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4 Disposal of Abandoned Vehicles
10-5-5 Report of Sale or Disposal
10-5-6 Owner Responsible for Impoundment and Disposal Costs
10-5-7 Conflict with other Code Provisions
10-5-8 Junked Vehicles and Appliances on Private Property

SEC. 10-5-1 ABANDONED VEHICLES; DEFINITIONS.

(a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the Village of Milltown 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 Milltown or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

(b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
   (1) Vehicle shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
   (2) Unattended shall mean unmoved from its location with no obvious sign of continuous human use.
   (3) Street shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.

(c) **Presumptions**. For purposes of this Section, the following irrebuttable presumptions shall apply:
   (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.
   (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is enclosed within a building, or if designated as not abandoned by the Chief of police.

(d) **Exceptions**. This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premise 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 Milltown 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 part 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 of 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 Milltown;

(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 names(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 purchase 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 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 RESONSIBLE FOR IMPOUNDMENT AND DISPOSAL COSTS.

(a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Village against the owner.
(b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

SEC. 10-5-7 CONFLICT WITH OTHER CODE PROVISIONS.

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

SEC. 10-5-8 JUNKED VEHICLES AND APPLIANCES ON PRIVATE PROPERTY.

(a) **Storage of Automobiles Restricted**. No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, recreational vehicles, tractors, trailers, farm machinery, building materials, or appliances shall be stored unenclosed upon private residential property within the Village for a period exceeding thirty (30) days unless it is in connection with an authorized business enterprise maintained in such a manner as to not constitute a public nuisance pursuant to Subsection (c) below.
(b) **Definitions**.
    (1) The term “disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers” as used in this Section is defined as follows: motor vehicles, recreational vehicles, truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be

incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects.

(2) The term "unlicensed – motor vehicles, truck bodies, tractors or trailers" as used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.

(3) The term "motor vehicle" is defined in Sec. 340.01(35), Wis. Stats.

(4) The term "inoperable appliance" is defined as any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured.

(c) **Exceptions**. This Section shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner in a properly zoned area, in such a manner as to not constitute a nuisance, 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 owned by the property owner such as snowmobiles, motorcycles, motor scooters and non-motorized campers, provided such vehicles are stored in compliance with the Ordinances of the Village. 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 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 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 vehicles, debris or appliances are stored.

(2) If the owner believes that his property does not constitute a nuisance, he may request a hearing before the Village Board. The request for said hearing must be made in writing to the Village Clerk-Treasurer's office within the five (5) days after receipt of the Police Department's notice. Upon application for the hearing, the property owner shall deposit a twenty-five-dollar ($25.00) bond. If a decision is rendered in the property owner's favor, the twenty-five dollars ($25.00) will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the partial cost of Village Personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Village Board shall be held within ten (10) days from the date of the owner's request. The property in question will not be cleaned by the Village nor a citation issued until such time as the hearing is held by the Board. At the hearing, the owner may appear in person or by his attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Village as well as subpoena witnesses for his own case. At the close of the hearing, the Village Board shall make its determination specifying its findings, facts and conclusions. If the Village Board determines that a public nuisance does exist, the Police Department shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicles, debris or appliances are stored.

(3) If such vehicle, debris or appliances are not removed with twenty (20) days after issuance of a citation, the Chief of Police shall cause the vehicle, debris 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.

(4) Any case where the owner, occupant or person in charge of the property shall fail to abate the nuisance as set forth above, then, and in that event, the Village may elect to abate the nuisance as follows:

a. The written notice required in Subsection (e) shall inform said person that in the event of his failure to abate the nuisance within the prescribed time, the Village shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.

b. The Village shall abate the nuisance from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a resolution by the Village Board. The charges shall be set forth in a statement to the Village Clerk-Treasurer who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days the cost thereof shall be placed on the tax roll as a special charge pursuant to Section 66.60(16), Wis. Stats.

(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.

ORDINANCE 2012-08
VILLAGE OF MILLTOWN
ATV-UTV Ordinance

An ordinance regulating all-terrain vehicles (ATV) and utility terrain vehicles (UTV), and designating ATV-UTV routes.

The Village Board of the Village of Milltown, Wisconsin, do ordain as follows:

Section (1) Purpose. The purpose of this ordinance is to establish ATV and UTV routes in the Village and to regulate the operation of such vehicles within the Village.

Section (2) Statutory Authority. The ordinance is enacted pursuant to Wisconsin Statute 23.33. The provisions of Wisconsin Statute 23.33 are adopted by reference except that where this ordinance is in conformity with 23.33 but have additional or greater restrictions, this ordinance shall apply.

Section (3) Routes. ATV-UTV's are permitted on all Village streets except:

a. ATV-UTV's are <u>not</u> permitted on U.S. Highway 35.
b. ATV-UTV's are <u>not</u> permitted on Main Street E. and Main Street W.

Section (4) Conditions.

a. All ATV-UTV operators shall observe posted roadway speed limits.
b. All ATV-UTV operators shall ride single file.
c. All ATV-UTV operators shall slow the vehicle to 10 mph or less when operating within one hundred and fifty (150) feet of a dwelling.
d. Routes must be signed in accordance with NR 64.12 and NR 64.12(7) c.
e. Any person operating an ATV-UTV and who was born on or after January 1, 1988, shall have an ATV-UTV safety certificate as per 23.33(5).
f. Hours of operation shall be restricted to 8:00 a.m. to 10:30 p.m.
g. All ATV-UTV operators shall observe all regulations pursuant to 23.33 and administrative regulations enacted pursuant to 23.33.

Section (5) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section (6) Penalties. Wisconsin State All-Terrain Vehicle penalties as found in 23.33 (13).

Section (7) Conflict. If this ordinance conflicts with any other Village ordinances or parts of ordinances, to the extent of such conflict, this ordinance shall control. If this ordinance conflicts with Wisconsin Statue 23.33, Wisconsin Statute 23.33 shall contro9l (except that when this ordinance is in conformity with 23.33 but this ordinance has greater or additional restrictions, this ordinance shall control).

Section (8) 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.

This ordinance shall take effect upon the day after its publication as provided in Wisconsin Statute 61.50. This ordinance was approved August 13th, 2012.

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 7	Regulation of Lewd and Sexually Explicit Conduct
Chapter 8	Criminal Activity Nuisances

CHAPTER 1

State Statues Adopted

SEC. 11-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of ordinances. Any future amendments, revisions or modification of the Statutes incorporated herein by reference are intended to be made part of this Code.

29.288	Throwing Refuse in Waters
48.17	Jurisdiction –Civil Law and Ordinance Violations
48.343	Dispositions –Civil Law and Ordinance Violations
48.344	Dispositions – Intoxicating Liquor and Beer Violations
48.345	Disposition of Child Adjudged in Need of Protection
48.983	Use of Tobacco products
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
167.10	Fireworks Regulated
175.25	Illegal Storage of Junked Vehicles
939.05(2)(b)	Aiding and Abetting
939.22	Words and Phrases Defined
940.19(1)	Battery
940.26(3)(a)	Hazing
940.291	Failure of a Police Officer to Render Aid

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
941.22	Possession of a Pistol by a Minor
941.23	Carrying Concealed Weapon
941.235	Carry 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
942.02	Strip Search by School Employee
942.05	Opening Letters
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	Theft of Property
943.21(3)(a)	Fraud on Innkeeper
943.22	Cheating Tokens
943.23(2)	Operating Vehicle without Owner's Consent
943.34(1)	Receiving Stolen property
943.35	Receiving Property from a Child
943.37	Alteration of property Identification Marks
943.38(3)	Forgery
943.41	Credit Card Crimes
943.50(4)(a)	Retail Theft
943.55	Removal of a Shopping Cart
944.15	Fornication
944.17	Sexual Gratification
944.20	Lewd and Lascivious Behavior
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 Police 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
947.08	Crime Comics
947.15	Contributing to the Delinquency of Children; Neglect
948.01	Definitions
948.015	Construction and Application
948.02	Mistreating Animals
948.03	Dognapping or Catnapping
948.04	Leading Animal from Motor Vehicle
948.05	Transportation of Animals
948.06	Use of Poisonous and Controlled Substances
948.07	Use of Certain Devices Prohibited
948.08	Instigating Fights between Animals
948.09	Shooting at Caged or Staked Animals
948.10	Sale of Baby Rabbits, Chicks and other Fowl
948.11	Artificially Colored Animals; Sale
948.13	Providing Proper Food and Drink
948.14	Providing Proper Shelter
948.15	Animals; Neglected or Abandoned; Police Powers
948.16	Investigation of Animal Cruelty Complaints
948.17	Reimbursement for Expenses

CHAPTER 2

Offenses against Public Safety and Peace

11-2-1 Regulation of Firearms and Explosives
11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
11-2-3 Safe Use and Transportation of Firearms and Bows
11-2-4 Throwing or Shooting of Arrows, Stones and other Missiles Prohibited
11-2-5 Harassing or Obscene Telephone Calls
11-2-6 Sale and Discharge of Fireworks Restricted
11-2-7 Obstructing Streets and Sidewalks Prohibited
11-2-8 Loitering Prohibited
11-2-9 Loud and Unnecessary Noise Prohibited
11-2-10 Disorderly Conduct
11-2-11 Possession of Controlled Substances
11-2-12 Unauthorized Presence on School Property Prohibited
11-2-13 Failure to Obey Lawful Order

SEC. 11-2-1 REGULATION OF FIREARMS AND EXPLOSIVES

(a) **Discharge and Possession of Firearms Regulated.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, or bow and arrow, within the Village or have any firearm, rifle, spring gun, air gun or pneumatic pellet gun or bow and arrow, in his possession or under his control unless it is unloaded and enclosed or encased within a carrying case or other suitable container pursuant to State Law.

(b) **Shooting into Village Limits.** No person shall in the territory adjacent to the Village discharge any firearm in such manner that the discharge shall enter or fall within the Village of Milltown.

(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, after an advisory recommendation from the Chief of Police, where proper safety precautions are taken.

(d) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the Village without first obtaining a permit to do so from the Village Board.

(e) **Hunting Prohibited.** Hunting is prohibited with the corporate limits of the Village of Milltown.

(f) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

SEC. 11-2-2 CARRYING CONCEALED WEAPONS PRHIBITED; CERTAIN WEAPONS PROHIBITED.

(a) **Concealed Weapons Prohibited.**

(1) No person shall within the Village wear or in any manner carry under his clothes or conceal upon or about his person any deadly or dangerous weapon, provided this Subsection shall not apply to a peace officer or such persons as may be authorized to carry such weapons.

(2) “Dangerous Weapon” means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or

instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(b) **Concealed Weapons in Public Establishments.** No person shall carry or be possessed of a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to peace officers or others duly authorized by law acting within the scope of their duties. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, or 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, cross knuckle or lead, brass or other materials, bowie knife, switchblade, dirk or dagger or any other dangerous or deadly weapon within the Village.

(d) **Possession, Sale and Manufacture of Certain Weapons Prohibited.**

(1) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nanchaku") or a "Churkin" or a "Sucbai" or similar weapon within the Village of Milltown.

(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, clubsor 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.

SEC. 11-2-3 SAFE USE AND TRANSPORATION OF FIREARMS AND BOWS.

(a) **Definitions**. In this Section:

(1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.

(2) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.

(3) Firearm means a weapon that acts by force of gunpowder.

(4) Highway has the meaning given under Sec. 340.01(22), Wis. Stats.

(5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.

(6) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.

(7) Unloaded means any of the following:

a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

b. In the case of a cap lock muzzle-loading firearm, having the cap removed.

c. In the case of a flint lock muzzle-loading firearm, having the flash pan cleaned of powder.

(8) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58aq), 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 bow 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 sho0ot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet in the center of a road.

(5) A person who violates Subsections (1) through (4) above is subject to a forfeiture or not more than one hundred dollars ($100.00).

(c) **Exceptions**.

(1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway ow 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.

(4) Subsection (b)(2) does not prohibit a person from leaning an unloaded firearm against a vehicle.

(5) Subsection (b)(4) does not apply to a person who is legally hunting small game with a muzzle-loading firearm or with a shotgun loaded with shot shell or chilled shot number BB or smaller, if the surface of the highway or roadway is anything other than concrete or blacktop.

SEC. 11-2-4 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.

It shall be unlawful for any person to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the Village of Milltown, provided, however, upon written application to the Chief of Police and Village Board, a person may be granted permission by the Village Board to construct and maintain supervised archery ranges if, in the opinion of the Village Board, the construction or maintenance of such ranges will not endanger the public health and safety.

SEC. 11-2-5 HARASSING OR OBSCENE TELEPHONE CALLS.

Whoever commits any of the following acts shall be subject to the general penalty as provided in this Municipal Code:

(a) Makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious or indecent;
(b) Makes a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers;
(c) Makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number of numbers;
(d) Makes repeated telephone calls, during which conversation ensures, solely to harass any person at the called number or numbers;
(e) Knowingly permits any telephone under his control to be used for any purpose prohibited by this Section;
(f) In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number or numbers.

SEC. 11-2-6 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

No person shall sell, expose or offer for sale, use, keep, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the Village unless he shall be authorized by fireworks permit as provided in Title 7, Chapter 7, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Sec. 167.10(1), Wis. Stats., and shall be deemed to include all rockets or similar missiles containing explosive fuel.

SEC. 11-2-7 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

(a) **Obstructing Streets**. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
(b) **Blocking Sidewalk Prohibited**. No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking adjacent property or on the street.
(c) **Free Speech**. This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such location as to completely prevent any pedestrian from passing them on the sidewalk.
(d) **Definitions**. As used in this Section, the following terms shall have the following meanings, unless the context indicates that a different meaning is intended:
    (1) Block. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
    (2) Sidewalk. Any sidewalk owned or maintained by the Village. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 11-2-8 LOITERING PROHIBITED.

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

SEC. 11-2-9 LOUD AND UNNECESSARY NOISE PROHIBITED.

(a) **Loud and Unnecessary Noise Prohibited**. It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.

(b) **Types of Loud and Unnecessary Noises**. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

(1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the Village for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

(2) Radios, phonographs, similar devices. The using, operating or permitting to be played used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line 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 stream whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.

(6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.

(7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m.; provided, however, the Building Inspector shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place with the hours of 10:00 pm to 7:00 am.

(8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.

(9) The provisions of this Section shall not apply to:

a. Any vehicle of the Village while engaged in necessary public business.

b. Excavations or repairs of streets or other public construction by or on behalf of the Village, County or State at night when public welfare and convenience renders it impossible to perform such work during the day.

c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **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 Milltown is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.

(2) Grounds or Reasons for Denial or Allowance. The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.

(3) Time Restrictions. The Chief of Police shall not grant a permit to use a loudspeaker or amplifying device before the hours of 9:00 a.m. or after 9:00 p.m. Nor shall a permit be granted to anyone who, in the opinion of the Chief of Police, uses said loudspeaker or amplifying device in such a manner or for such a purpose as to constitute a nuisance.

SEC. 11-2-10 DISORDERLY CONDUCT.

(a) **Disorderly Conduct Prohibited.** No person within the Village of Milltown shall:

(1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.

(2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

(b) **Disorderly Conduct with Motor Vehicle.** No person shall make unnecessary and annoying noises with a motor vehicle, including motorcycles and all-terrain vehicles, by squealing tires, excessive acceleration of the engine or by emitting unnecessary and loud muffler noise.

(c) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the Village, or upon any private property in open view of the public, or in the halls, stairways or elevators of public or commercial buildings, or to indecently expose his person.

SEC. 11-2-11 POSSESSION OF CONTROLLED SUBSTANCES.

(a) **Controlled Substances**. It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.
(b) **Possession of Marijuana**. No person shall possess any amount of marijuana, tetra-hydrocannabinois or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licenses physician or pharmacist for a valid medical purpose.
(c) **Drug Paraphernalia**. No person shall possess, deliver or possess with intent to deliver drug paraphernalia, knowing that it will be primarily used to inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Ch. 961, Wis. Stats.

State Law Reference: Chapter 961, Wis. Stats.

SEC. 11-2-12 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

(a) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present in, loiter or enter into any public-school building, school parking lot or on any public-school grounds without the permission of the school principal, custodian or other person in charge thereof between 7:30 a.m. and 4:30 p.m. on official school days.
(b) This Section shall not apply to:
    (1) Students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other person in charge thereof to leave the school building or school grounds;
    (2) Persons coming into the school building or school grounds for the purpose of attending scheduled school or civic functions, or making use of the recreational facilities located upon or within school premises, but as to such attendance or use, this exception shall apply only to the portion of the premises on which facilities are located and during the hours such facilities are specifically open to the general public or an invited portion thereof;
    (3) Parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
(c) The exceptions set forth in Subsection (b) shall not apply to any person who, while in school buildings or on school grounds, commits or attempts to commit any act prohibited by statute or ordinance.
(d) All entrances to the school buildings shall be posted with a notice stating “Entry into School Building by Unauthorized Persons Prohibited”. All school grounds shall be posted with a notice stating “Entry upon School Grounds by Unauthorized Persons Prohibited”.

SEC. 11-2-13 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

CHAPTER 3

Offenses against Property

11-3-1 Destruction of property Prohibited
11-3-2 Littering Prohibited
11-3-3 Abandoned Refrigerators Prohibited
11-3-4 Retail Theft
11-3-5 Storage of Junk, Etc., Regulated
11-3-6 Issuance of Worthless Checks
11-3-7 Theft of Library Material
11-3-8 Damaging or Tampering with Coin Machines
11-3-9 Damage to Public Property
11-3-10 Disturbing Cemetery Property
11-3-11 Trespass on Business Parking Lots
11-3-12 Penalties

SEC. 11-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

(a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy, or unlawfully remove, take or meddle with any property of any kind or nature within the Village and belonging to the Village or its departments, the School District or to any private person, without the consent of the owner or proper authority.

(b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an un-emancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed one thousand dollars ($1,000.00).

(c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

SEC. 11-3-2 LITTERING PROHIBITED.

(a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village, or upon property within the Village owned by the 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 letter being deposited on any street, alley or other public way.

(2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited or immediately if such litter or debris presents a traffic or safety hazard. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

(3) Litter picked up at letterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange

to have the same picked up by Village crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

(c) **Dumping of Refuse and Grass in Gutters.** No person shall deposit any refuse, leaves or grass clippings in any gutter along any public street, road, alley or highway.

(d) **Handbills.**

(1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

(2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

(3) Advertisements Upon Public or Private Property. No person shall place any advertisement upon any public property or any street, alley or public ground or upon any private property situated and fixed in any street, alley or public ground or upon any other private property, except by the permission of the owner thereof, but this Section shall not apply to the posting of notices required by law.

SEC. 11-3-3 ABANDONED REFRIGERATORS PROHIBITED.

No person shall leave or permit to remain outside of any dwelling, building or other structure, ow within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

SEC. 11-3-4 RETAIL THEFT.

(a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).

(b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

(d) Penalty. If the value of the merchandise does not exceed one hundred dollars ($100.00), any person violating this Section shall forfeit not more than two hundred dollars ($200.00). If the value of the merchandise exceeds one hundred dollars ($100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Sec. 943.50, Wis. Stats.

SEC. 11-3-5 STORAGE OF JUNK, ETC., REGULATED.

No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris except or upon permit issued by the Village Board. The Chief of Police or Building Inspector may require by written order any premises violating this Section to be put in compliance within the time specified in such order and, if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

Cross Reference: Title 10, Chapter 5.

SEC. 11-3-6 ISSUANCE OF WORTHLESS CHECKS.

(a) Whoever issues any check or other order for the payment of money less than five hundred dollars ($500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.

(b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
   (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
   (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed with five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
   (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.

(c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

(d) Any person violating any provisions of this Section shall forfeit not less than fifty dollars ($50.00) if the worthless check is for an amount equal to or less than one hundred fifty dollars ($150.00) and shall forfeit not less than one hundred dollars ($100.00) if the worthless check is an amount greater than one hundred fifty dollars ($150.00) and less than five hundred dollars ($500.00), together with

the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

SEC. 11-3-7 THEFT OF LIBRARY MATERIAL.

(a) **Definitions**. For the purposes of this Section, certain words and terms are defined as follows:
   (1) Archives. A place in which public or institutional records are systematically preserved.
   (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically and public libraries serving the Village of Milltown.
   (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 of characteristics, belonging to, on load to or otherwise in the custody of a library.

(b) **Possession without Consent Prohibited**. Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

(c) **Concealment**. The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(d) **Detention based on Probable Cause**. An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or 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.

(e) **Damaging Material Prohibited**. No person shall mar, deface or in any other way damage or mutilate any library material.

(f) **Return Demanded**. No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Sec. 943.61, Wis. Stats.

SEC. 11-3-8 DAMAGING OR TAMPERING WITH COIN MACHINES.

(a) No person shall, without lawful authority, open, remove or damage any coin machine, coin telephone or other vending machine dispensing goods or services, or a part thereof, or possess a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services, or possess a drawing, print or mold of a key or device specifically designed to open or break any coin machine, coin telephone or other vending machine dispensing goods or services within the limits of the Village.
(b) In this Section, coin machine means any device or receptacle designed to receive money or anything of value. The term includes a depository box, parking meter, vending machine, pay telephone, money-changing machine, coin-operated phonograph and amusement machine if they are designed to receive money or other thing of value.

SEC. 11-3-9 DAMAGE TO PUBLIC PROPERTY.

(a) **Damaging Public Property**. No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village.
(b) **Breaking of Street Lamps or Windows**. No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.

SEC. 11-3-10 DISTURBING CEMETERY PROPERTY.

No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

SEC. 11-3-11 TRESPASS ON BUSINESS PARKING LOTS.

(a) **Definition**. A "business parking lot" is defined as any privately owned parking lot adjacent to any store, office building, commercial building or industrial building, for the convenience of employees and customers or patrons or for the storage of items for sale by the business.
(b) **Trespassing after Hours**. No person shall enter or remain on any business parking lot at any time that staying or entering the lot is prohibited by the owner, as shown by a sign(s) at the business parking lot.
(c) **Signs**. The prohibition set forth in this Section shall be in effect at any business parking lot where the owner or person lawfully in charge has posted a sign or signs clearly stating the prohibition and the times thereof. Each sign must contain substantially the following language:
No Trespassing Between _____ a.m. /p.m. and _____ a.m. /p.m.
(d) **Exceptions**. The following uses of a business parking lot shall not be violations of this Section:
(1) Temporary entrance to a business parking lot in an emergency or to avoid an accident.
(2) Entrance by a police officer(s) in the course of duty.

(3) Entrance by fire, ambulance, and other emergency personnel and equipment in the course of duty.
(4) Entrance by an owner, tenant, or employee of any owner or tenant of any establishment served by the business parking lot.
(5) Entrance by any Village inspector in the course of duty.
(6) Entrance by any person for purposes of making a delivery or deposit or retrieving personal property of such person, provided that permission for such entrance has been previously granted by the owner.

(e) **Penalty**. Any person violating any provisions of this Section is subject to the general penalty in Section 1-1-6 of this Code of Ordinances.

State Law Reference: Sec. 943.13 (e), Wis. Stats.

SEC. 11-3-12 PENALTIES.

In addition to the general penalty of this Code in Section 1-1-6 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any un-emancipated minor child who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.

CHAPTER 4

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 Village of Milltown or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the Village except as licenses premises.

(2) Parks. It shall be unlawful for any person to drink or have in his possession any alcohol beverage in any Village Park between the hours of 11:00 p.m. and 9:00 a.m., except at licensed premises. Alcoholic beverages shall only be consumed within the confines of shelter buildings. No consumption of alcoholic beverages is permitted at the ball park shelter, except for events authorized by the Village Board.

(3) Private Property Held out for Public Use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Village unless the property is specifically named as being part of a licensed premise.

(4) Leaving Licensed Premises with Open Container.

a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.

b. It shall be unlawful for any patron to leave a licensed premise with an open container containing any alcohol beverage.

(5) Picnic Beer Permits for Parks.

a. It shall be unlawful for any group of persons which exceeds fifty (50) to consume any alcohol beverages in any park areas without first obtaining a Picnic Beer Permit from the Village. The Picnic Beer Permits shall be issued by the Village Clerk-Treasurer with a copy of the permit sent to the Chief of Police.

b. Applicants for special Class "B" Permits shall fully comply with the requirements of Section 7-2-16.

(6) Exceptions.

a. The provisions of this Section may be waived by the Village Board for duly authorized events.

b. Any organization which has been issued a special Class "B" fermented malt beverage picnic license for a designated area pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

(b) **Definitions**.

(1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without un-malted grains or decorticated or de-germinated 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, or procure for, sell, dispense or give away any intoxicating liquor to any underage person.

(2) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

(b) **Penalties.** A person who commits a violation of Subsection (a) above is subject to a forfeiture of:

(1) Not more than five hundred dollars ($500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or

(2) Not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) if the person has committed a previous violation within twelve (12) months of the violation.

(3) In addition to the forfeitures provided in Subsections (1) and (2) above, a court shall suspend any license issued under Title 7 of this Code to a person violating this Section pursuant to Sec. 125.07(1)(b)(3), Wis. Stats.

(c) **Sale of Alcohol Beverages to Intoxicated Persons.**

(1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

(2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(d) **Penalties**. Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Sec. 125.07, Wis. Stats.

SEC. 11-4-3 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 or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

(1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

(2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

(3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a country or municipality.

(4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapters 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.

(5) Ski chalets, golf clubhouses and private tennis clubs.

(6) Premises operated under both a Class "B" alcoholic beverage or "Class B" fermented malt beverage 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" alcoholic beverage or "Class B" fermented malt beverage license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

(7) An underage person who enters or remains on a Class "B" alcoholic transacting business at an auction or market as defined in Sec. 125.32(4)(b)1, Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished.

(8) An underage person who enters or remains in a room on Class "B" alcoholic beverage or "Class B" fermented malt beverage licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. An underage person may enter and remain on Class "B" alcoholic beverage or "Class B" fermented malt beverage premises under this Subsection only if the municipality which issued the Class "B" alcoholic beverage or "Class B" fermented malt beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" alcoholic beverage or "Class B" fermented malt beverage licensee a written authorization permitting underage persons to be present under the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

(b) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than five hundred dollars ($500.00).

SEC. 11-4-4 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.

(a) Any underage person who does any of the following is guilty of a violation:
   (1) Procures or attempts to procure alcohol beverages.
   (2) Knowingly possesses or consumes intoxicating liquor.
   (3) Enters or is on licensed premises in violation of Section 11-4-3(a).
   (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.

(c) Any person violation Subsections (a) or (b) is subject to the following penalties:
   (1) For a first violation, a forfeiture of not more than fifty dollars ($50.00), and suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
   (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than one hundred dollars ($100.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
   (3) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not more than one hundred fifty dollars ($150.00), revocation of the person's operating privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.

(d)
   (1) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary limits established by the Village Board. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.
   (2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(e) When a court revokes or suspends a person's operating privilege under Subsection (c), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 48.344(3), Wis. Stats.
(g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
(h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

SEC. 11-4-5 DEFENSE OF SELLERS.

(a) **Defenses**. Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
  (1) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
  (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
  (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.
(b) **Book Kept by Licensees and Permittees**. Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this Subsection. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

State Law Reference: Sec. 125.07(6) and (7), Wis. Stats.

SEC. 11-4-6 PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE; FALSE OR ALTERED INDETIFICATION CARDS.

(a)
  (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or 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 five hundred dollars ($500.00) or imprisoned not less than ten (10) days nor more than thirty (30) days or both.
  (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or imprisoned not more than ten (10) days or both.
(b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(c) or (d):
  (1) Intentionally carried 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. 48.344, Wis. Stats., and Section 11-4-4 (c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross Reference: Section 11-5-5.

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 Section 125.02(1) or the Wisconsin Statues, 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 Person 14 through 17 Years of Age
11-5-6 Enforcement and Penalties

SEC. 11-5-1 CURFEW.

(a) **Curfew Established**. It shall be unlawful for any person under eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the Village of Milltown between the hours of 9:00 p.m. and 6:00 a.m. from September 1 to May 31 and 10:00 p.m. and 6:00 a.m. from June 1 to August 31, 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, legal 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.

(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, legal guardian or other person having the lawful care, custody and control of any person under eighteen (18) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, legal guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring with thirty (30) days of the present offense shall be prima facie evidence that such parent, legal guardian or custodian allowed or permitted the present violation. Any parent, legal 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 eighteen (18) years of age to violate this Section.

(d) **Responsibility of Places of Amusement**. It shall be unlawful for any person, firm or organization operating or in charge of any place of amusement, entertainment, refreshment or other place of business to permit any minor under eighteen (18) years of age to loiter, loaf or idle in such place during the hours prohibited by this Section. Whenever the owner or person in charge or in control an any place of amusement, entertainment, refreshment or other place of business during the hours

prohibited by this Section shall find persons under eighteen (18) years of age loitering, loafing or idling in such place of business, he/she shall immediately order such person to leave and if such person refuses to leave said place of business, the operator shall immediately notify the Police Department and inform them of the violation.

(e) **Detaining a Minor**. Law enforcement officers are hereby authorized to detain any minor violating the provisions of above until such time as the parent, legal guardian or person having legal custody of the minor shall be immediately notified and the person so notified shall as soon as reasonably possible thereafter report to the Police Department for the purpose of taking the custody of the minor and shall sign a release for him or her, or such child may be taken directly from the scene of his/her apprehension to his/her home. If such child's parents or relative living nearby cannot be contacted to take custody of such child and it is determined by the apprehending officer that the child's physical or mental condition is such as would require immediate attention, the police officer may make such necessary arrangements as may be necessary under the circumstances for the child's welfare.

(f) **Penalty**.

(1) Any parent, guardian or person having legal custody of a child described in Subsections (a) through (e) who has been warned in the manner provided in Subsection (f) and who thereafter violates any of the provisions of this Section shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances. After a second violation with a six (6) month period, if the defendant, in a prosecution under this Section, proves that he/she or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats.

(2) Any minor person under eighteen (18) 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 eighteen (18) to possess a controlled substance contrary to the Uniform Controlled Substances Act, Ch. 961, Wis. Stats.

SEC. 11-5-3 PETTY THEFT BY JUVENILES.

It shall be unlawful for any person under the age of eighteen (18), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

SEC. 11-5-4 RECEIVING STOLEN GOODS.

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he/she knows to be stolen.

SEC. 11-5-5 VILLAGE JURISDICTION OVER PERSON 14 THROUGH 17 YEARS OF AGE.

(a) **Adoption of State Statue**. Section 48.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.

(b) **Provisions of Ordinance Applicable to Persons 14 through 17 Years of Age**. Subject to the provisions and limitations of Sec. 48.17(2) Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons fourteen (14) through seventeen (17) years of age may be brought on behalf of the Village of Milltown and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

(c) **No Incarceration as Penalty**. The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.

(d) **Additional Prohibited Acts**. In addition to any other provision of the Village of Milltown Code of Ordinances, no person age fourteen (14) through seventeen (17) shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.

(e) **Penalty for Violations of Subsection (d)**. Any person fourteen (14) through seventeen (17) years of age who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-6 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.

Cross Reference: Section 11-5-7.

SEC. 11-5-6 ENFORCEMENT AND PENALTIES.

(a) **Citation process**. For violations of Sections 11-5-2 through 11-5-5, juveniles may be cited by the citation process on a form approved by the Village Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.

(b) **Penalties**. Violations of Sections 11-5-2 through 11-5-5 by a person under the age of eighteen (18) shall be punishable according to Sections 48.17(2), 48.343, 48.344 and 48.345 of the Wisconsin Statues. 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 Defined
11-6-3 Public Nuisances Affecting Health
11-6-4 Public Nuisances Offending Morals and Decency
11-6-5 Public Nuisances Affecting Peace and Safety
11-6-6 Abatement of Public Nuisances
11-6-7 Cost of Abatement

SEC. 11-6-1 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village of Milltown.

SEC. 11-6-2 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
(b) In any way render the public insecure in life or in the use of property;
(c) Greatly offend the public morals or decency;
(d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

SEC. 11-6-3 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

(a) **Adulterated Food**. All decayed harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
(b) **Unburied Carcasses**. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
(c) **Breeding places for Vermin, Etc**. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
(d) **Stagnant Water**. All stagnant water in which mosquitoes, flies or other insects can multiply.
(e) **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 with 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 person 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 devises and slot machines.
(c) **Unlicensed Sale of Liquor and Beer**. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
(d) **Continuous Violation of Village Ordinances**. Any place or premises within the Village where Village Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
(e) **Illegal Drinking**. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Village.

SEC. 11-6-5 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 libs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.

(f) **Dangerous Trees**. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(g) **Fireworks**. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.

(h) **Dilapidated Buildings**. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.

(i) **Wires over Streets**. All wires over streets, alleys or public grounds which are strung less than eighteen (18) feet above the surface thereof.

(j) **Noisy Animals or Fow**l. 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 ABATEMENT OF PUBLIC NUISANCES.

(a) **Enforcement**. The Chief of Police, the Chief of the Fire Department, Director of Public Works and the Building Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(b) **Summary Abatement**. If the inspecting officer shall determine that a public nuisance exists within the Village and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(c) **Abatement after Notice**. If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintain the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).

(d) **Other Methods not Excluded**. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

SEC. 11-6-7 COST OF ABATEMENT.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

TITLE 11

Regulation of Lewd and Sexually Explicit Conduct

Chapter 7

Article A Introduction

11-7-1 Statement of Findings and Intent
11-7-2 Definitions
11-7-3 Public Indecency Prohibited
11-7-4 Exposing Minors to Harmful Materials
11-7-5 through
11-7-19 Reserved for Future Use

Article B Entertainment Featuring Live Sexually Explicit Performances

11-7-20 Prohibitions Applicable to premises Holding Alcohol
11-7-21 Sexually Explicit Live Adult Entertainment
11-7-22 Annual Adult Entertainment License
11-7-23 Renewals
11-7-24 Regulations
11-7-25 Location
11-7-26 Penalty
11-7-27 License Suspension, Revocation or Non-Renewal
11-7-28 License Transfer
11-7-29 through
11-7-39 Reserved for Future Use

Article C Adult Oriented Establishments

11-7-40 Intent of Article
11-7-41 Adult Oriented Establishment License Required
11-7-42 Application for License
11-7-43 Standards for Issuance of a License
11-7-44 License Fee
11-7-45 Display of License or Permit
11-7-46 Renewal of License or Permit
11-7-47 Denial of Application
11-7-48 Transfer of License
11-7-49 Responsibilities of Operators
11-7-50 Registration of Employees
11-7-51 Registration of Employees
11-7-52 Exclusions
11-7-53 Penalty
11-7-54 License Suspension, Revocation or Non-Renewal of Licenses
11-7-55 through

11-7-59 Reserved for Future Use

Article D Houses of Prostitution

11-7-60 Owners and Keepers
11-7-61 Inmate Frequenter
11-7-62 Prostitution

Article A: Introduction

Sec. 11-7-1 Statement of Findings and Intent

(a) **Intent**. It is the intent of this Chapter to regulate sexually oriented businesses and related activities to promote the health, safety and general welfare of the citizens of the Village of Milltown and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented business within the Village. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to this intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene materials.

(b) **Findings**

(1) It is a lawful purpose of the Village Board to enact rules and regulations as are necessary for the preservation of health and to prevent the spread of AIDS and other communicable or sexually transmitted diseases in the Village of Milltown. It has been found by localities through the State of Wisconsin, particularly Milwaukee, Racine, Waukesha, Delafield, Kenosha and West Allis, as well as communities around the country, including Indianapolis, Indiana; Austin, Texas; Chattanooga, Tennessee; Newport News, Virginia; Marion County, Indiana; Detroit, Michigan; and Seattle, Washington; as well as other communities around the country, that sexually oriented adult entertainment establishments are predisposed to the creation of unsafe and unsanitary conditions; that operators and employees of such businesses tend to participate in sex-related offenses on the premises, creating substantial law enforcement problems, and that the operational characteristics of such businesses have a deleterious effect on surrounding areas, resulting in neighborhood blight and reduced property values, especially when such businesses are concentrated in one (1) area. Many of such establishments install movie viewing booths with doors in which patrons view videotapes, movies, films and other forms of entertainment characterized by their emphasis on depicting, describing or relating to specified sexual activities or specified anatomical areas, and that such booths have been and are being used by patrons to engage in sexual acts resulting in unsanitary, unhealthy and unsafe conditions in said booths and establishments. This Chapter is intended to establish standards in order to prevent the spread of AIDS and other communicable or sexually transmitted diseases, and to eliminate the deleterious effects described above in the Village of Milltown.

(2) The Village Board recognized that “Class B” licensed premises are the most likely location to conduct a live nude dancing business and that this sexually oriented adult entertainment activity

could lead to the exploitation of human sexuality. Such exploitation takes the form of employing or permitting persons to perform or exhibit their nude or semi-nude bodies to other patrons as an inducement to the patrons to purchase alcohol beverages. The result of such exploitation is both direct and secondary criminal activity, moral degradation and disturbance of the peace and good order of the community. In addition, this commercial exploitation of such nude and semi-nude acts is adverse to the public's interest in the quality of life, commercial activity and total community environment of the Village of Milltown.

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

(4) Based on evidence concerning the adverse secondary effects of adult uses on communities stated above, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Arcara v. Cloud Books, Inc. 478 U.S. 697, (1986); California v. LaRue, 409 U.S. 109 (1972); Iacobucci v. City of Newport, Ky., 479 U.S. 92 (1986)United States v. O'Brien, 391 U.S. 367 (1968); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Key, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986) Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); and South Florida Free Beaches, Inc. v. City of Miami, 734 F.2d 608 (11th Cir 1984), and findings reported in the Final Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the Village Board finds that:

   a. Crime statics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where sexually oriented businesses are located.
   b. Studies of the relationship between sexually oriented businesses and neighborhood property values have found a negative impact on both residential and commercial property values.
   c. Sexually oriented businesses may contribute to an increased public health risk through the spread of sexually transmitted diseases.

(c) **Exemptions**. The provisions of this Chapter do not apply to the following establishments: theaters, performing arts centers, civic enters, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political 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 interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this Chapter seeks only to minimize and prevent the secondary effects of adult oriented establishments or sexually oriented businesses on the community. Negative secondary effects have not been associated with these establishments.

Sec. 11-7-2 Definitions.

The following definitions are applicable in this Chapter:

(a) **Adult Arcade**. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) 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 Bath house**. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons and opportunity for engaging in specified sexual activities as defined in this Article.

(c) **Adult Body Painting Studio**. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Chapter, an adult body painting studio shall not be deemed to include a tattoo parlor.

(d) **Adult Bookstore or Adult Video Store**. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein. This includes an establishment having as its stock in trade, for sale, rent, trade, lease, inspection or viewing books, films, video cassettes, motion pictures, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas, and in conjunction therewith have facilities for the presentation of adult entertainment, including adult-oriented videotapes, films, motion pictures or other offered entertainment for observation by patrons therein. This also includes a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”. NOTE: A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be 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 a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

(e) **Adult Cabaret**. A nightclub, dance hall, bar, restaurant, or similar commercial establishment that regularly features:
   (1) Persons who appear in a state of nudity or semi-nudity; or
   (2) Live performances that are characterized by “specified sexual activities”; or
   (3) Films, motion pictures, videocassettes, slides, or other photographic or computer reproductions or depictions that are characterized by the depiction or description of “specified sexual activities” or “nudity”.

(f) **Adult Entertainment.** Any exhibition of any motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, as defined herein, appearing unclothed, or the removal of articles of clothing to reveal specified anatomical areas.

(g) **Adult Mini-Motion Picture Theater**. An enclosed building with a capacity for less than fifty (50) patrons, including establishments that have coin operated video or motion picture booths, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as define herein for observation by patrons therein.

(h) **Adult Modeling Studio**. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially nude by means of photography, painting, sketching, drawing or otherwise.

(i) **Adult Motel**. A hotel, motel, or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which may have a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(j) **Adult Motion Picture Theater**. An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.

(k) **Adult Motion Picture Theater (Outdoor).** A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activity or specified anatomical areas, as defined herein, for observation by patrons.

(l) **Adult Novelty Shop.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities or specified anatomical areas, as defined herein, or stimulating such activity.

(m) **Adult Oriented or Sexually Oriented Establishment.** An establishment which includes, but is not limited to, adult bookstores, adult motion picture theaters, adult mini0motion theaters, adult theaters, adult bath houses, adult body painting studios, adult motels, adult novelty shops or adult cabarets, sexual encounter centers, sexually-oriented businesses, escort agencies, establishments featuring live sexually explicit performances, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio0 or any other term of like import.

(n) **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the “exposure of specified anatomical areas” or by “specified sexual activities”.

(o) **Booth, Room or Cubicle.** Such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, booth, room, or cubicle does not

mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to chapter 50, Wis. Stats.

(p) **Breast.** A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside are of such gland wherein such outside are is:
   (1) Reasonably compact and contiguous to the areola; and
   (2) Contains at least the nipple and the areola and one-fourth (1/4) of the outside surface areas of such gland.

(q) **Buttocks**. (For a short general description see the last sentence of this Subsection). The area at the rear of the human body (sometimes referred to as the gluteus maximus) which lies between two (2) imaginary straight lines running parallel to the ground when a person is standing, the first r top such line being one-half (1/2) below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half (1/2) inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two (2) imaginary straight lines, one on each side of the body (the "outside line"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor fasciae latae muscle or any of the above-described portion of the human body that is between either:
   (1) The left inside perpendicular line and the left outside perpendicular line; or
   (2) The right inside perpendicular line and the right outside perpendicular line.

   For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus:
   (1) That is perpendicular to the ground and to the horizontal lines described above; and
   (2) That is one-third (1/3) of the distance from the anus to the left outside line; and

   The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
   (1) That is perpendicular to the ground and to the horizontal lines described above; and
   (2) That is one-third (1/3) of the distance from the anus to the left outside line; and

   The right inside perpendicular line shall be an imaginary straight line on the right side of the anus:
   (1) That is perpendicular to the ground and to the horizontal lines described above; and
   (2) That is one=third (1/3) of the distance from the anus to the right outside line. (The above description can generally be described as covering one-third (1/3) of the buttocks centered over the cleavage for the length of the cleavage).

(r) **Church.** A building whether situated within the Village or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

(s) **Customer.** Any person who:
   (1) Is allowed to enter an adult oriented establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
   (2) Enters an adult oriented business and purchases, rents, or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or

(3) Is a member of and on the premises of an adult oriented establishment operating as a private club.

(t) **Community**. The State of Wisconsin.

(u) **Day Care Center**. A facility licensed by the State of Wisconsin pursuant to Sec. 48.65, Wis. Stats., whether situated within the Village or not.

(v) **Door, Curtain or Portal Partition**. A nontransparent closure device which prevents activity taking place within a booth, room or cubicle from being seen or viewed from outside the booth, room or cubicle.

(w) **Employee**. Any and all persons, including independent contractors, who work in or at or render any services directly or indirectly related to the operation of an adult oriented establishment.

(x) **Entertainer**. Any person who provides entertainment within an adult oriented establishment as defined in this Chapter, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor, including:

(1) Any person who appears in a state of nudity or semi-nudity in a sexually oriented business; or

(2) Any person who engages in live performances that are characterized by "specified sexual activities".

(y) **Escort**. 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 a striptease for another person.

(z) **Escort Agency**. 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.

(aa) **Establishment**. Includes any of the following:

(1) The opening or commencement of any sexually oriented business as a new business;

(2) The conversation 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 the sexually oriented business is located.

(bb) **Harmful to Minors**. That quality of any description or representation, in whatever form, of nudity, specified sexual activities or specified anatomical areas, which taken as a whole appeals to the prurient interest in sex, which taken as a whole portrays sexual conduct in a patently offensive way, and which taken as a whole does not have serious literary, artistic, political or scientific value are to be determined by applying contemporary community standards in the adult community as a whole with respect to what is suitable material for minors.

(cc) **Knowingly**. Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(1) The character and content of any material described herein which is reasonably suspect under this Section; and

(2) The age of a minor, provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(dd) **Knowledge of Minor's Age**. Means:

(1) Knowledge or information that the person is a minor; and

(2) Reason to know, or a belief or grounds for belief, which warrants further inspection or inquiry of the age of the minor.

(ee) **Manager**. The operator or agent licensed under this Chapter who shall not be licensed as a massage technician.

(ff)**Massage**. Any process or procedure consisting of rubbing, stroking, kneading or tapping, by physical or mechanical means, upon the external parts or tissues of the body of another for consideration.
(gg)**Massage Establishment**. A place of business wherein private massage is practiced, used or made available as a principal use of the premises.
(hh)**Massage Room**. The area where private massage is performed.
(ii)**Massage Technician**. A person who practices, administers or uses massage for a consideration, and who holds a valid license under this Chapter.
(jj)**Minor**. Any person under the age of eighteen (18) years.
(kk)**Nudity**. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernible turgid state.
(ll)**Operator**. Any person operating, conducting, maintaining or owning any sexually-oriented establishment, adult-oriented establishment or massage establishment.
(mm)**Patron**. Any person who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any consideration therefor.
(nn)**Premises**. The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings 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.
(oo)**Residential.** Pertaining to the use of land, whether situated within the Village or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premise which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.
(pp)**Sadomasochistic Abuse**. Flagellation or torture by a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
(qq)**School**. A building, whether situated within the Village or not, where persons regularly assemble for the purpose of instruction or education, together with playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:
(rr)**Semi-or Semi-Nudity**. The exposure of a bare female breast with less than one-fourth (1/4) of the breast surface area, contiguous to and containing the areola, completely and opaquely covered (see definition of breast in this Section). Each female person may determine which one-fourth (1/4) of her breast surface area contiguous to and containing the areola is to be covered.
(ss)**Sexual Conduct**. The commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion, masturbation, sadism, masochism, fellatio, cunnilingus, lewd exhibition of human genitals, or passionate kissing and petting of a sexual nature.
(tt)**Sexual Encounter Center**. A business or commercial enterprise that, as one if 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 or semi-nudity.

(uu)**Sexual Intercourse**. Physical sexual contact between individuals that involves the genitalia of at least one (1) person including, but not limited to, heterosexual intercourse, sadomy, fellatio, or cunnilingus.
(vv)**Specified Anatomical Areas**. Less than completely and opaquely covered:

(1) Human genitals, pubic region;
(2) Buttock; or
(3) Female breast below a point immediately above the top of the areola.
(4) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(ww)**Specified Sexual Activities.** Simulated or actual:
(1) Showing of human genitals in a state of sexual stimulation or arousal;
(2) Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus;
(3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts, whether covered or uncovered.
(4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

(xx)**Substantial**. As used in various definitions, shall mean fifty percent (50%)or more of a business' stock in trade, display space, floor space or retail sales in any one (1) month during the license year.

(yy)**Waiting Area.** An area adjacent to the main entrance that is separate from any area where massages are given.

Sec. 11-7-3 Public Indecency Prohibited.

(a) Any person who, within the Village of Milltown municipal limits, knowingly or intentionally, in a public place, commits public indecency by doing one of the following:
(1) Engaging in specified sexual activities, including, but not limited to, public passionate kissing or petting of a sexual nature;
(2) Displaying specified anatomical areas; or
(3) Appearing in a state of nudity.

(b) In addition to any other actions allowed by law or taken by the Village Boards and/or Committee thereof, including the action of applicable license revocation or non-renewal, anyone who violates any of the provisions of this Section shall forfeit not less than two hundred fifty dollars ($250.00), and not more than two thousand dollars ($2,000.00), for each offense, together with costs, and if such forfeiture and costs are not paid, such person so convicted shall be subject to such other penalties available by law.

Sec. 11-7-4 Exposing Minors to Harmful Materials.

(a) It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, or specified sexual activities and which is harmful to minors.

(b) It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:
(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts specified anatomical areas or shows specified sexual activities and which is harmful to others.
(2) Any book, pamphlet, magazine, printed matter however produced, or sound recording which contains any material enumerated in Subsection (b)(1) hereof, or explicit and detailed verbal descriptions or narrative accounts of specified sexual activities and which, taken as a whole is harmful to minors.

(c) It shall be unlawful for any person knowingly to admit a minor to any premises whereon there is exhibited nudity or a specified sexual activity which is harmful to minors unless such minor is accompanied by his/her parent or legal guardian.
(d) Any person violating this Section shall be subject to the penalty provisions of Section 1-1-6.

Sec. 11-7-5 through Sec. 11-7-19 Reserved for Future Use.

Article B: Entertainment Featuring Live Sexually Explicit Performances

Sec. 11-7-20 Prohibitions Applicable to premises Holding Alcohol Beverage Licenses.

(a) It shall be unlawful for any owner or operator of premises holding a Class "A", "Class A", Class "B", or "Class B", or "Class C" Alcohol Beverage license to permit any person to expose to public view on the licensed premises any specified anatomical area as defined in this Chapter, or to employ any device which is intended to give the appearance of or simulate such specified anatomical areas or publicly display or perform any specified sexual activities on the licenses premises.
(b) Any licensee who permits a violation of Subsection (a) above shall be subject to revocation of all alcohol beverage licenses issued by the Village to the licensee.

Sec. 11-7-21 Sexually Explicit Live Adult Entertainment.

(a) This Section applies only to premises offering live performances by persons appearing in a state displaying some portions of specified anatomical areas not covered by fully opaque coverings. Appearance in public in a state of nudity is prohibited by Section 11-7-3.
(b) No person shall open premises to the public offering live performances by persons appearing in a state of partial nudity displaying some portions of specified anatomical areas not covered by fully opaque coverings, whether such persons are paid for such performance or not, unless the person opening the premises has obtained a license from the Village Board pursuant to Section 11-7-22 and is in full compliance with other Village regulations, including zoning regulations.
(c) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performance shall only occur on a stage, or on a table that is elevated at least eighteen (18) inches above the immediate floor level and, to prevent actual physical contact between the entertainer and any other person, employee or patron, shall not be less than five (5) feet from any area occupied by any patron. Patrons shall not have any physical contact with, and shall not be less than five (5) feet from, any entertainer during the payment of a tip or gratuity.

Sec. 11-7-22 Annual Adult Entertainment License.

(a) **Application**. Applications for an annual adult entertainment license shall be made to the Village Clerk-Treasurer. The Village Clerk-Treasurer shall notify the Police Department and Fire Inspector of the license application, publish a Class I notice of such application and have the license application submitted to the Village Board within thirty (30) days of application. Investigating officials shall submit written reports and recommendations to the Village Board. A public hearing shall be held on the application, preceded by a Class II notice. The Village Board may take any testimony regarding the granting or denial of such license.
(b) **Action**. The Village Board shall approve, modify or reject the application; the reasons for the action taken shall be specified in the written record of the Village Board.
(c) **Probationary Period**. If license issuance is approved by a majority of the Village Board an initial applicant shall be granted a probationary license by the Village Clerk-Treasurer. An annual license shall be granted if, upon the expiration of the six (6) month probationary period, no violations under this Article occur and the applicant corrects any deficiencies or problems that the applicant is

directed to correct. If, however, for any reason, the application is denied by the Village Board, the Village Board shall specify the findings made that support that denial.

(d) **License Term**. The license granted under this Article shall expire on June 30th of each year and each license shall be subject to revocation as hereinafter provided.

(e) **Form of License**. The Village Clerk-Treasurer shall be responsible for, following Village Board action, issuing all licenses under this Section. All such licenses shall specify the nature of the holder and the license and the date for which it is applicable, as well as any conditions that may be imposed by the Village. All such licenses shall be open to public inspection and posted in public view on the premises for which issued.

(f) **Fee**. All such license applications shall be accompanied by a fee of five hundred dollars ($500.00). If for any reason the license is denied, one-half (1/2) of the license fee shall be returned to the applicant. If the license is granted, the entire fee will be kept by the Village.

(g) **Number of Licenses Limited**. No more than three (3) annual adult entertainment licenses, issued under this Article, shall be issued within the Village of Milltown at one (1) time, and no more than one (1) license shall be issued to any one (1) individual, partnership or corporation.

Sec. 11-7-23 Renewals.

The holder of an annual license granted under this Article shall submit an application for renewal at least sixty (60) days before the expiration of the license; failure to comply with this application schedule shall mean that the license shall lapse and any new application shall be reviewed as a new application. Such license may be renewed pursuant to the provisions of Section 11-7-2 as that Section applies to notice being given by the Village Clerk-Treasurer and provisions for publication and action by the Village Board.

Sec. 11-7-24 Regulations.

Any license holder governed by this Article shall comply with the following regulations:

(a) No dancing shall be permitted by any performers under the auspices of the management, whether paid or not, within six (6) feet from any location from which patrons are directly served, while so entertaining the patrons.

(b) No dancer, performer, or any individual, who is performing, singing, or dancing, shall have either direct or indirect (i.e., lap dancing) physical contact with any patron, in violation of Sec. 944.36, Wis. Stats.

(c) While dancing is in progress, the establishment shall be adequately illuminated so as to permit safe ingress and egress from the premises.

(d) Good order shall be maintained at all times. Without limitation due to enumeration, a lack of "good order" for purposes of this Article shall be deemed to include persistent loud noises to the annoyance or detriment of surrounding property owners, patrons urinating in public, profane language and/or fighting.

(e) The premises shall close and all patrons shall vacate the premises between midnight and 10:00 a.m. Sunday through Friday, and midnight to noon on Saturday.

(f) The license holder shall insure that building capacity limits as set by the Fire Department and/or Building Code are complied with at all times.

(g) The license holder shall comply with all applicable State Statutes and regulations and all county and Village ordinances.

(h) The management, license holder and employees shall obey all reasonable orders or directions of any law enforcement officer.

(i) The performance of any dance by performers under the auspices of the management shall be given only on a raised portion of the floor separated by a railing or other devices from the patrons so as to deter patrons from participating in the dance.
(j) No license holder, personally or through an agent or employee, shall advertise, allow or produce nude entertainment or performances in violation of this Section or in violation of any Village Ordinance or State Statute.
(k) The license holder shall not permit any person to publicly perform specified sexual activities on the licensed premises.
(l) The licensee shall not permit any person to touch any performer's specified anatomical areas during a public performance.
(m) The use of simulated sexual organs during dances or performances is prohibited.
(n) No license holder shall permit any amateur dancing, entertainment, or performances on the license holder's premises in violation of this Section or any applicable State or Federal laws.

Sec. 11-7-25 Location.

(a) No establishment licensed under this Article shall permit any performance or entertainment governed by this Article to occur within five hundred (500) feet of any area zoned for residential, church, school, nursing home, public park, or day care center uses, or other establishment licensed under this Article. No establishment licensed under this Article shall be located with five hundred (500) feet of any other establishment licensed under this Article, within five hundred (500) feet of any business holding an alcohol beverage license, or as otherwise limited by the Village's Zoning Code.
(b) For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment to the nearest property line of another adult-oriented establishment, school, and place of worship, residential district or business holding an alcohol beverage license.

Sec. 11-7-26 Penalty.

In addition to any other actions allowed by law or taken by the Village Board, including the action of license revocation or non-renewal, anyone who violates any of the provisions of this Article shall be subject to a forfeiture as prescribed by Section 1-1-6, for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law. Citations may be issued to the license holder or to his/her employees, operators or agents.

Sec. 11-7-27 License Suspension, Revocation or Non-Renewal.

(a) **In General**. Any adult entertainment license granted herein may be revoked, suspended, or not be renewed by the Village Board as follows:
  (1) If the applicant has made or recorded any statement required by this Article knowing it to be false or fraudulent or intentionally deceptive.
  (2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Zoning, Property Maintenance or Building Codes, in such case the license shall be revoked after the second (2^{nd}) conviction thereof in any license year.

(3) After one (1) conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance scheduled in Subchapter II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

(c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Village Board if such is required, and the hearing may be steno-graphically recorded at the licensee's option and expense. At the conclusion of such hearing, the Village Board shall prepare findings of fact and conclusions of law as to what, if any, action the Village Board will take with respect to the license. The Board shall provide the complainant and licensee with a copy of the report.

Sec. 11-7-28 License Transfer.

Any license granted under the provisions of this Article shall not be transfe3rable. All license applications shall be original or for a renewal.

Sec. 11-7-29 through Sec. 11-7-39 Reserved for Future Use.

Article C: Adult Oriented Establishments

Sec. 11-7-40 Intent of Article.

It is the purpose of this Article to regulate adult oriented establishment businesses (hereinafter referred to as adult oriented establishments) to promote the health, safety, morals, and the general welfare of the citizens of the Village of Milltown, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such establishments, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those establishments.

Sec. 11-7-41 Adult Oriented Establishment License Required.

(a) Except as provided in Subsection (d) below, no adult-oriented establishment shall be operated or maintained within the corporate limits of the Village of Milltown without first obtaining a license to operate issued by the Village of Milltown.
(b) A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place per filed application. Each oriented establishment must have a license.
(c) No license or interest in a license may be transferred to any person, partnership, or corporation except as set forth in Section 11-7-49. No more than one (1) license shall be issued to any one (1) individual, partnership or corporation.
(d) All adult oriented establishments existing at the time of the original passage of this Chapter must submit an application for a license within ninety (90) days of the passage of this Chapter. If an application is not received within said ninety (90) day period, then such existing adult-oriented establishment shall cease operations.

Sec. 11-7-42 Application for License.

(a) **License procedure.** Any person, partnership, or corporation desiring to secure an adult oriented establishment license shall make application to the Village Clerk-Treasurer. The application shall be filed in triplicate with and dated by the Village Clerk-Treasurer. A copy of the application shall be distributed within ten (10) days of receipt thereof to the Police Department, Fire Inspector, Building Inspector, and to the applicant. The procedures prescribed in Section 11-7-22(a) through (c) shall be applicable to adult entertainment licenses under this Article.
(b) **Required Information.** The application for a license shall be upon a form provided by the Village Clerk-Treasurer. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, all officers or directors of a corporate applicant, all members of any limited liability company applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:
    (1) Name, including all aliases, address and date of birth of applicant;
    (2) Written proof that the individual is at least eighteen (18) years of age;
    (3) All residential addresses of the applicant for the past ten (10) years;
    (4) The business, occupation, or employment of the applicant for ten (10) years immediately preceding the date of application;
    (5) The exact nature of the adult entertainment to be conducted;

(6) Whether the applicant previously operated in this or any other state, county or municipality under an adult oriented establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation (the applicant shall provide the name of the municipality/state where such license was suspended or revoked);
(7) All criminal and traffic convictions, whether federal or State, or municipal Ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except traffic offenses;
(8) Fingerprints made by a law enforcement agency and two (2) portrait photographs of at least two (2) inches by two (2) inches of the applicant;
(9) The address of the adult-oriented establishment to be operated by the applicant;
(10) Proof of right to occupy under Section 11-7-43(d); and
(11) If the applicant is a corporation, the application shall specify the name of the corporation, the date and State of incorporation, and the name and address of the registered agent of the corporation.

(c) **Failure to Provide Information.** Failure or refusal of the applicant to provide any information for the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or refusal to submit to or cooperate with any investigation required by this Section, shall constitute an admission by the applicant of ineligibility or such license and shall be grounds for denial thereof.

Sec. 11-7-43 Standards for Issuance of a License.

(a) **General Requirements**. To receive a license to operate an adult establishment, an applicant must meet the following standards:
(1) If the applicant is an individual:
    a. The applicant shall be at least eighteen (18) years of age;
    b. Subject to Chapter 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere, or have charges pending or deferred prosecution, to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction with five (5) years immediately preceding the date of the applicant; and
    c. The applicant shall not have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.
(2) If the applicant is a corporation:
    a. All officers, directors, and others required to be named under Section 11-7-42(b) shall be at least eighteen (18) years of age;
    b. Subject to Chapter 111, Wis. Stats., no officer, director, or other person required to be named under Section 11-7-42(b) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
    c. No officer, director or other person required to be named under Section 11-7-42(b) shall have been found to have previously violated this Article within five (5) years immediately preceding the date of the application.
(3) If the applicant is a partnership, joint venture, limited liability company or any other type of organization where two (2) or more persons have a financial interest;

a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
b. Subject to Chapter 111, Wis. Stats., no person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application; and
c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Article within five (5) years immediately preceding the date of the application.

(b) **Investigation**. No license shall be issued unless the Village of Milltown Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Village Clerk-Treasurer no later than thirty (30) days after the application.

(c) **Inspection.** The Fire Inspector and/or Police Department shall inspect the premises proposed to be licensed to verify compliance with their respective Codes, and shall report compliance findings to the Village Clerk-Treasurer within thirty (30) days of the date of application.

(d) **Proof**. No license shall be issued unless the applicant provides proof of one (1) of the following:
(1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-confirming use status.
(2) A lease on a building which is properly zoned to house a venture. Proper zoning includes permissible non-confirming use status.
(3) An option to purchase property which is properly zoned for the venture.
(4) An option to lease property which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

Sec. 11-7-44 License Fee.

A non-refundable adult-oriented establishment license application fee of five hundred dollars ($500.00) shall be submitted with the application for a license.

Sec. 11-7-45 Display of License or Permit.

The adult-oriented establishment license shall be displayed in a conspicuous public place in the adult-oriented establishment.

Sec. 11-7-46 Renewal of License or Permit.

(a) Every license issued pursuant to this Article will terminate on June 30 of the period for which the license is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Clerk-Treasurer. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Village Clerk-Treasurer. A copy of the application for renewal shall be distributed by the Village Clerk-Treasurer to the Police Department, Fire Inspector and the applicant. The application for renewal shall be upon a form provided by the Village Clerk-Treasurer and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.

(b) A license renewal fee of five hundred dollars ($500.00) shall be submitted with the application for renewal.
(c) If the Police Department is aware of any information bearing on the operator's qualifications that information shall be filed in writing with the Village Clerk-Treasurer.

Sec. 11-7-47 Denial of Application.

(a) Whenever an initial application is denied, the Village Clerk-Treasurer shall, within fourteen (14) days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Village Board.
(b) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and p0lace for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this Article shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk-Treasurer.

Sec. 11-7-48 Transfer of License.

Licenses may not be transferred. All license applications shall be original or for a renewal.

Sec. 11-7-49 Physical Layouts of Adult Oriented Establishments.

Any adult oriented establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any motion picture, videotape or compact disc in which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas must comply with the following requirements:

(a) **Access**. Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
(b) **Construction**. Every booth, room or cubicle shall meet the following construction requirements:
    (1) Each booth, room or cubicle shall be separated from adjacent booths, rooms, cubicles and any non-public areas by a wall.
    (2) Have at least one (1) side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
    (3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet, and be light colored, non-absorbent, smooth textured and easily cleanable.
    (4) The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
    (5) The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
(c) **Occupants.** Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of specified sexual activity, cause any bodily discharge or letter while in the booth. No person shall alter damage or deface any portion of any such booth, room or cubicle in such a manner that is no longer complies with the provisions of this Section.

Sec. 11-7-50 Responsibilities of Operators.

(a) An operator, licensed under this Article, shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises of a period of three (3) years following termination.

(b) The operator shall make the register of employees available immediately for inspection by law enforcement officers upon demand of a member of a law enforcement agency at all times.

(c) Every act or omission by an employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator is such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(d) Any act or omission of any employee constituting a violation of the provisions of this Article shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.

(e) No employee of an adult oriented establishment shall allow any minor to loiter around or to frequent an adult oriented establishment or to allow any minor to view sexually explicit live adult entertainment or materials containing depictions of specified sexual activities or specified anatomical areas as defined herein.

(f) The operator shall maintain the premises in a clean and sanitary manner at all times.

(g) The operator shall ensure compliance of the establishment and its patrons with the provisions of this Article.

(h) The operator shall ensure there is conspicuously posted inside each booth, room or cubicle an un-mutilated and undefaced sign or poster supplies by the licensee and approved by the Village Board which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.

(i) The operator shall ensure there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Village pertaining to sexually transmitted diseases.

(j) The operator shall ensure there are posted regulations concerning booth occupancy of signs, with lettering at least one (1) inch high, that are placed in conspicuous areas of the establishment and in each of the booths, rooms or cubicles.

(k) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult oriented establishment at any time the adult-oriented establishment is open for business.

(l) It shall be the duty of the operator of each adult-oriented establishment to ensure that an attendant is stationed at each public entrance to the adult-oriented establishment at all times during regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the adult-oriented establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:

  (1) A valid operator's, commercial operator's, or chauffeur's driver's license; or

  (2) Personal identification card issued by the State of Wisconsin reflecting that such person is eighteen (18) years of age or older.

(m) No adult-oriented establishment regulated by this Chapter may remain open between the hours of 2:00 a.m. and 8:00 a.m., except on Saturday and Sunday, when the closing hours shall be between 2:30 a.m. and 8:00 a.m.

Sec. 11-7-51 Registration of Employees.

(a) All operators, employees, and independent contractors working in any adult oriented establishment hereunder shall, prior to beginning employment or contracted duties, register with the Village Clerk-Treasurer. Such registration shall include the following:
   (1) Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer; and
   (2) Photographs and fingerprinting.

(b) Upon registration, the licensee, subject to design approval by the Village Clerk-Treasurer, will provide to each registered employee an identification card containing the employee's photograph identifying the employee as such, which shall be kept available for production upon request of all inspecting officers while on duty at such adult oriented establishment.

(c) All registrations hereunder are valid for a period of one (1) year.

(d) The registration fee of fifty dollars ($50.00) shall be paid per registration, which shall be paid to the Village to cover costs of investigation and administration.

Se. 11-7-52 Exclusions.

All private schools and public schools, as defined in Chapter 115, Wis. Stats., located within the Village of Milltown are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

Sec. 11-7-53 Penalty.

In addition to any other actions allowed by law or taken by the Village Board, including the action of a license revocation, suspension or non-renewal, anyone who violates any of the provisions of this Chapter shall be subject to forfeiture as prescribed by Section 1-1-6, for each and every offense, together with the costs of prosecution. If such forfeiture and costs are not paid, such person so convicted shall be subject to any civil penalties or other penalties available by law.

Sec. 11-7-54 License Suspension, Revocation or Non-Renewal of Licenses.

(a) **In General.** Any license granted herein may be revoked, suspended, or not renewed by the Village Board as follows:
   (1) If the applicant has made or recorded any statement required by this Section knowing it to be false or fraudulent or intentionally deceptive;
   (2) For the violation of any provision of this Article, except for establishment license matters involving a violation of Building, Property Maintenance or Zoning Codes, in such case the license shall be revoked after the second (2^{nd}) conviction thereof in any license year;
   (3) After one (1) conviction by any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substance in Subsection II of Ch. 961, Wis. Stats., where there is shown the

participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.

(4) If the licensee, operator or employer becomes ineligible to obtain a license.

(5) If an operator employs an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without being registered with the Village Clerk-Treasurer.

(6) If any cost or fee required to be paid by this Section is not paid.

(7) If any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment.

(8) If any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any material depicting specified sexual activities or specified anatomical areas.

(b) **Notice of Hearing.** No license shall be revoked, suspended, or not renewed by the Village Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Village Board. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof.

(c) **Hearing.** The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf if such is required, and the hearing shall be steno-graphically recorded at the licensee's option and expense. At the conclusion of such hearing, the Village Board shall prepare findings of fact and conclusions as to what, if any, action the Village Board will take with respect to the license. The Village Board shall provide the complainant and licensee with a copy of the report.

Sec. 11-7-55 through Sec. 11-7-59 Reserved for Future Use.

Sec. 11-8-1 Criminal Activity Nuisances

The following activities occurring on residential, industrial, or commercial property, and engaged in by an owner, occupant, or invitee of the owner or occupant of the property, are hereby declared criminal activity nuisances:

(1) Any crimes against public health and safety under Wis. Stats. Chapter 941.

(2) Any property crimes under Wis. Stats. Chapter 943.

(3) Any crimes against sexual morality under Wis. Stats. Chapter 944.

(4) Any crimes against the public peace under Wis. Stats. Chapter 947.

(5) Any violation of the Uniform Controlled Substances Act under Wis. Stats. Chapter 961.

(6) Any firearms violations under Section 11-2.

(7) Any fireworks violation under Section 7-6.

(8) Any disorderly conduct under Section 11-2.

(9) Any noise violation under Section 11-2.

(10) Any storage of junked or discarded property under Section 11-3.

(11) Any animal violations under Sections 168.19 (animals running at large); or 160-5 (noisy animals or fowl).

(12) Any alcoholic beverage violations under Section 11-4.

(13) Any health nuisance violations under Section 11-6.

(14)Any public nuisances offending morals and decency under Section 11-7.
(15)Any public nuisances affecting peace and safety under Section 11-6.
(16)Any offenses by juveniles under Section 11-5.

Sec. 11-8-2 Criminal Nuisances Defined

(1) Dwelling – "Dwelling" is a place of abode, a residence, or a house for use by one (1) or more persons, excluding hotels or motels.
(2) Dwelling Unit – "Dwelling Unit" means one (1) or more rooms with provisions for living, cooking, sanitary, and sleeping facilities arranged for use by one (1) or more persons.
(3) Property – "Property" means any real estate not occupied by a building, or any building thereupon used in a trade or business, as a residential building, dwelling, dwelling unity, or rental unity.
(4) Rental unity – "Rental Unit" shall mean any dwelling unity not occupied by the owner and rented or leased to or otherwise occupied by a third party.
(5) Residential Building – "Residential Building" is a building, or portion thereof, 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. Tow (2) family dwellings
    c. Multiple-family dwellings (including apartment hotels)
    d. Lodging houses
    e. Mixed use commercial/residential buildings

Sec. 11-8-3 Abatement of Criminal Activity Nuisances

(1) The Chief of Police or his designee, upon finding that two (2) or more criminal or nuisance activities declared in the section have occurred within any given twelve-month period on the property, may issue a written notice and order to be served on the owner of the property declaring the property is a nuisance property. The notice and order shall set forth the nature of the nuisance, the estimated cost to abate any future nuisance activity as set forth in this section, and state that the owner may avoid being charged the costs of abatement by taking such action as may be necessary to prevent any further nuisance activity as set forth in this section. The notice shall further state if a third or subsequent nuisance activity as declared in this section within twelve months of the dates of either the first or second nuisance, the village may abate the nuisance through the use of administrative and law enforcement action and the costs of such abatement shall be assessed against the nuisance property.
(2) The owner of the nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration within 15 days of the date of the notice. If the Chief of Police finds that the facts presented do not support the Declaration of a nuisance, the Chief shall rescind the notice. Otherwise, the Chief shall deny the request and refer the property owner to appeal to the Village Board at the next meeting provided the owner

contacts the Village Clerk prior to the meeting and is placed on the agenda. The appeal shall not stay any action taken or proposed to be taken by the Village to abate nuisance activity. In any such appeal, the Village must show by a preponderance of the evidence that each violation stated in the notice has occurred, and that the declaration of the property as a nuisance property or the intent of the Village to assess the property for abatement costs, whichever is applicable, is justified. The Village may rescind the declaration of a nuisance property if the owner demonstrates by preponderance of evidence that:

a. He or she was not the owner at the time of any nuisance activity had occurred in the notice.
b. He or she had knowledge of the nuisance activity, but has promptly taken all actions necessary to abate each nuisance.
c. He or she had no knowledge of the nuisance and activity and could not, with reasonable care and diligence, have known of nuisance activity and upon receipt of the declaration of the property as a nuisance property took all actions necessary to abate the nuisance.

(3) The owner and/or leaseholder of a nuisance property who permits or causes such a nuisance or fails to remove the nuisance as provided in this ordinance, shall be subject to the following costs and penalties:

a. Penalty to be $100 plus court costs. Each violation and each day a violation continues or occurs shall constitute a separate offense.
b. Cost of the abatement shall be assessed at $100.00 per man hour for the number of hours to abate the nuisance property and shall be assessed against the property, and may be assessed against the property as a special charge as permitted by statue.

(4) A declaration of criminal nuisance activity, an order to abate a nuisance, or the assessment if costs by the Village against a property under this section shall not affect or limit the Village's right or authority to bring criminal prosecutions, or to take any other enforcement action available to the Village.

TITLE 12

Parks and Navigable Waters

Chapter 1 Park Regulations

CHAPTER 1

Park Regulations

12-1-1 Park Regulations
12-1-2 Radio-Controlled Model Airplanes Prohibited in Parks
12-1-3 Turf Protection on Public Property
12-1-4 Park Hours
12-1-5 Ultralight Aircraft Regulated
12-1-6 Reservation of Park Space
12-1-7 Camping prohibited at Sandy Beach

SEC. 12-1-1 PARK REGULATIONS.

(a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreations facility or conservancy district in the Village.

(b) **Specified Regulations.**

(1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.

(2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.

(3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park.

(4) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.

(5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.

(6) Removal of park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

(7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.

(8) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(9) Protection of park property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this

Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

(10) Motorized Vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village authorization for shows, rides or exhibits and then only for the purpose of motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.

(11) Snowmobiles. No person shall operate a snowmobile in a Village Park except in designated areas.

(12) Speed Limit. No person shall operate any vehicle in a Village Park in excess of 15 m.p.h. unless otherwise posted.

(13) Glass Beverage Bottles in Parks Prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass beverage containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.

(14) Reckless Driving in parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.

(15) Parking in parks. No person shall park any motor vehicle in any park in the Village except in a designated parking area.

(16) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when 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. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet horses shall be ridden at slow gait.

(17) Removing Tree Protectors. No person shall remove any device for the protection of trees and shrubs.

(18) Golfing and Sporting Activities. No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.

(19) Arrows. No person shall use or shoot any bow and arrow in any Village Park, except in authorized areas.

(20) Fees and Charges. The Village Board shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

(21) Firearms; Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all Village parks.

(22) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village Parks.

(23)Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.

(24)Camping. Overnight camping is not permitted in any Village Park.

(25)Utility Installation and Construction. Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of Village Board and no such installation, repair or construction shall commence without the written permission therefor from the Village Board. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Village of the utility's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.

SEC. 12-1-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBTED IN PARKS.

No person shall fly a radio-controlled model airplane or helicopter in any park in the Village of Milltown, except in areas specifically designated and posed for such purpose.

SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Village Board, no person shall dig into the turf of any Village-owned property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Village Board, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

SEC. 12-1-4 PARK HOURS.

(a) **Park Hours.** Except for authorized events and subject to certain exceptions listed below, all Village parks shall be closed from 11:00 p.m. to 5:00 a.m. the following day, and it shall be unlawful to enter in or be upon any park or playground after the hour designated.

(b) **Exceptions to Closing Hours**. A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Village Board may modify closing hours for particular events.

(c) **Park Closing and Opening Dates**. The Village Board will have full authority to open and close any park, swimming area, recreational facility or area because of season, condition, and construction or when, in the interest of public safety, it is deemed necessary.

SEC. 12-1-5 ULTRALIGHT AIRCRAFT REGULATED.

(a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.

(b) **Regulations Regarding Use.**

(1) No person shall operate any ultralight aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without

permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a Village public park or other Village property, the operator of such ultralight aircraft shall first obtain a permit from the Village Board. No fee shall be charged by the Village Board for such permit which may be issued for a period up to thirty (30) days nor shall the Village Board sponsor such activity.

(2) Any person desiring to land or to take off from any property owned by the Village of Milltown, shall, prior to receiving a permit; procure evidence of insurance providing for not less than five hundred thousand dollars ($500,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the Village of Milltown as an additional insured and said certificate shall be filed with the Village Clerk-Treasurer at the time the applicant seeks a permit.

SEC. 12-1-6 RESERVATION OF PARK SPACE.

(a) **Policy on Reservation.** The Village-owned Park, park facilities, gazebo and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the Village to the end that the general welfare of the Village is protected.

(b) **Reservation of Park Space.** A person or group, firm, organization, partnership or corporation may reserve the use of a park facility, park shelter or gazebo by written application filed with the Village 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. Park facilities are reserved on a first-requested, first-served basis.

(c) **Application.** Applications shall be filed with the Village Clerk-Treasurer 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 Village Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) **Deposit.** All applicants for reservation of park space, gazebo or shelters for which a permit is required shall pay a deposit as established by resolution of the Village Board to pay for the Village's maintenance and cleanup expenses. The deposit shall be returned if cleanup or repair by the Village is not required.

(e) **Action of Application**. The Village Board or appropriate committee thereof shall act promptly on all application for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.

(f) **Reasons for Denial**. Applicants may be denied for any of the following reasons:

(1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
(2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
(3) If the application does not contain the information required by Subsection (c) above.
(4) The application is made less than the required days in advance of the scheduled exclusive use.
(5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
(6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
(7) The exclusive use will reasonably create a substantial risk of injury to the person or damage to property.
(8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

(g) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

(h) **Permit Not Required for Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village.

(i) **Permit Revocation.** The Village Board and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.

(j) **Form of Permit.** Each permit shall be 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.

(k) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 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.

Cross Reference: Sections 7-2-11 and 11-4-1.

SEC. 12-1-7 CAMPING PROHIBITED AT SANDY BEACH.

(a) **Purpose.** The Town of Milltown and the Village of Milltown under joint ownership provides and maintains the Sandy Beach on Half Moon Lake, Section 23, 35N, and 17W, in said Town, for the public use for swimming, picnicking, boat landing, and other local and family outings. It is necessary to maintain the beach so everyone can use it without being infringed upon.

(b) **Camping Prohibited.** No person or persons shall camp overnight or set up overnight camping or housekeeping at Sandy Beach.

(c) **Violations.** Any person or persons who violate this Section shall forfeit not more than one hundred dollars ($100.00) per time. This Section will be enforced by the Polk County Sheriff's Department and the Village of Milltown Police Department.

TITLE 13

Zoning

Chapter 1 Zoning Code

CHAPTER 1

Zoning

Article A Introduction

13-1-1 Authority
13-1-2 Title
13-1-3 General Purpose
13-1-4 Intent and Purposes in View
13-1-5 Abrogation and Greater Restrictions
13-1-6 Interpretation
13-1-7 Severability and Non-liability
13-1-8 Repeal and Effective Date
13-1-9 Reserved for Future Use

Article B General Provisions

13-1-10 Jurisdiction and General provisions
13-1-11 Use Regulations
13-1-12 Site Regulations
13-1-13 Height and Area Exceptions
13-1-14 Reduction or Joint Use
13-1-15 through 13-1-19 Reserved for Future Use

Article C Zoning Districts

13-1-20 Establishment of Districts
13-1-21 Vacation of Streets: Annexations
13-1-22 Zoning Map
13-1-23 Rules for Interpretation of District Boundaries
13-1-24 R-1 Single-Family Residential District
13-1-25 R-2 Single-Family Residential District
13-1-26 R-3 Multi-Family Residential District
13-1-27 RD Rural Development District
13-1-28 B-1 General Commercial District
13-1-29 B-2 Highway Commercial District
13-1-30 I-1 General Industrial District
13-1-31 C-1 Conservancy District
13-1-32 R-MH Mobile Home District
13-1-33 Public and Institutional

13-1-34 through 13-1-49 Reserved for Future Use

Article D Planned Unit Development (PUD) Conditional Use

13-1-50 Planned Unit Development Conditional Use – Intent
13-1-51 Types of Planned Unit Development
13-1-52 General Requirements for planned Unit Developments
13-1-53 Physical Requirements for Planned Unit Developments
13-1-54 Requirements as to public Services and Facilities
13-1-55 Subsequent Land Division
13-1-56 Procedural Requirements – Intent
13-1-57 Procedural Requirements for Planned Unit Developments
13-1-58 Basis for Approval of the Petition for Planned Unit Development
13-1-59 Determination of Disposition of the Petition

Article E Conditional Uses

13-1-60 Statement of Purpose – Conditional Uses
13-1-61 Authority of the Plan Commission and Village Board; Requirements
13-1-62 Initiation of Conditional Use
13-1-63 Application for Conditional use
13-1-64 Hearing on Application
13-1-65 Notice of hearing on Application
13-1-66 Standards – Conditional Uses
13-1-67 Denial of Application for Conditional Use Permit
13-1-68 Conditions and Guarantees
13-1-69 Validity of Conditional Use Permit
13-1-70 Complaints Regarding Conditional Uses
13-1-71 Bed and Breakfast Establishments
13-1-72 through 13-1-79 Reserved for Future Use

Article F Nonconforming Uses, Structures and Lots

13-1-80 Existing Nonconforming Uses and Structures
13-1-81 Abolishment or Replacement
13-1-82 Existing Nonconforming Structures
13-1-83 Changes and Substitutions
13-1-84 Substandard Lots
13-1-85 through 13-1-89 Reserved for Future Use

Article G Traffic Visibility, Loading, Parking and Access

13-1-90 Traffic Visibility
13-1-91 Loading Requirements
13-1-92 Off-Street parking Requirements
13-1-93 Highway Access
13-1-94 Storage and parking of Recreational Vehicles
13-1-95 Storage of Tractors and Road machinery

13-1-96 through 13-1-99 Reserved for Future Use

Article H Signs

13-1-100 Title
13-1-101 Purpose and Intent
13-1-102 Scope
13-1-103 Definitions
13-1-104 Application of Sign Regulations
13-1-105 General Sign Requirements
13-1-106 Prohibited Signs
13-1-107 Signs Requiring No Permits
13-1-108 Signs Requiring Permits
13-1-109 Standards for Ground Signs
13-1-110 Standards for Wall Signs3
13-1-111 District Schedules
13-1-112 through 13-1-119 Reserved for Future Use

Article I Performance Standards – Industrial Developments

13-1-120 Article Intent
13-1-121 Noise
13-1-122 Vibration
13-1-123 External Lighting
13-1-124 Odor
13-1-125 Particulate Emissions
13-1-126 Visible Emissions
13-1-127 Hazardous Pollutants
13-1-128 and 13-1-129 Reserved for Future Use

Article J Signal Receiving Antennas; Wind Energy Systems

13-1-130 Signal Receiving Antennas
13-1-131 Special Use Permits Required – Wind Energy Systems
13-1-132 Permit Procedure – Wind Energy Systems
13-1-133 Specific Requirements Regarding Wind Energy Systems
13-1-134 through 13-1-139 Reserved for Future Use

Article K Accessory Uses and Structures; Fences and Hedges

13-1-140 Accessory Uses or Structures
13-1-141 Outside Storage of Firewood
13-1-142 Fences and Hedges
13-1-143 Swimming Pools
13-1-144 through 13-1-149 Reserved for Future Use

Article L Mobile Homes

13-1-150 Intent – Where Mobile Home Districts Permitted
13-1-151 Definitions
13-1-152 Permitted and Permissible Uses and Structures
13-1-153 Mobile Homes in Parks Only
13-1-154 Mobile Home Park License
13-1-155 Inspection and Enforcement
13-1-156 Mobile Home parks
13-1-157 Water Supply
13-1-158 Service Buildings and Accommodations
13-1-159 Waste and Garbage Disposal
13-1-160 Number of Spaces
13-1-161 Operation of Mobile Home Parks; Responsibilities of Management
13-1-162 Responsibilities and Duties of Mobile Home Park Occupants
13-1-163 Additional Regulations on Mobile Homes and Mobile Home Parks
13-1-164 Compliance with Plumbing, Electrical and Building Ordinances
13-1-165 Limitations on Signs
13-1-166 Common Recreational Facilities
13-1-167 Standards for General Site Planning for Mobile Home Communities
13-1-168 through 13-1-169 Reserved for Future Use

Article M Administration

13-1-170 General Administrative System
13-1-171 Zoning Administrator
13-1-172 Role of Specific Village Officials in Zoning Administration
13-1-173 Certificate of Compliance Required
13-1-174 Site plan Approval
13-1-175 Official Map
13-1-176 Violations and Penalties
13-1-177 through 13-1-179 Reserved for Future Use

Article N Changes and Amendments to the Zoning Code

13-1-180 Authority
13-1-181 Initiation of Changes and Amendments
13-1-182 Procedure for Changes and Amendments
13-1-183 Protest
13-1-184 through 13-1-189 Reserved for Future Use

Article O Appeals

13-1-190 Appeals to the Zoning Board of Appeals
13-1-191 Hearing of Appeals
13-1-192 Decisions of Board of Appeals
13-1-193 Variations

13-1-194 Review by Court of Record
13-1-195 through 13-1-199 Reserved for Future Use

Article P Definitions

13-1-200 Definitions

ARTICLE A

Introduction

SEC. 13-1-1 AUTHORITY.

This Chapter is adopted under the authority granted by Section 66.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

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

SEC. 13-1-2 TITLE.

This Chapter shall be known as, referred top and cited as the "Zoning Code, Village of Milltown, 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 Milltown, Wisconsin.

SEC. 13-1-4 INTENT AND PURPOSES IN VIEW.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

(a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
(b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
(c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
(d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
(e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
(f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
(g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
(h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
(i) Preserve and protect the beauty of the Village of Milltown;
(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 Milltown;
(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 Milltown.

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 judgement shall not be applicable to any other structure, land or water not specifically included in said judgment.
(c) The Village does not guarantee, warrant or represent that only those areas designated as flood-lands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

SEC. 13-1-8 REPEAL AND EFFECTIVE DATE.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

SEC. 13-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

General Provisions

SEC. 13-1-10 JURISDICTION AND GENERAL PROVISIONS.

(a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Milltown.

(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 open space required for another building.

(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 Principal Structure 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) principal structure on one (1) lot unless the Village Board approves of more than one principal structure per Section 13-1-12 (b), through the issuance of a Conditional Use Permit.

(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) **General Conditional Use Provisions.** Provisions applicable to conditional uses generally:

(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 that 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.
(3) Proposed changes from a permitted use in a district to conditional use shall require review, public review, public hearing and approval by the Village Board in accordance with Article E of this chapter.
(4) Conditional uses(s), when replaced by permitted uses(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) Regular conditional uses, either allowed by action of the Village Board or existent at time of adoption of this Code, shall be lapsing and shall not survive vacancies and change of ownership of the properties were located and be subject to substitution with other conditional use(s) of same or similar type without Village Board approval. A change to a conditional use of other than same or similar type shall require procedures and approval in accordance with Article E.

(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 Plan Commission, public hearing and approval in accordance with Article E of this Chapter.

SEC. 13-1-12 SITE REGULATIONS.

(a) **Street Frontage.** All lots shall abut upon a public street or other officially, approved means of access, and each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
(b) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board, subject to the recommendation of the plan Commission, 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. The Village Board may waive this requirement upon determining that the waiver will not adversely affect public safety or the intent of this ordinance.
(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, upon the recommendation of the Plan Commission, 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 Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Village Board.

(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 ½) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

(g) **Decks.** For purposes of this Chapter, decks and porches shall be considered a part of a building or structure.

SEC. 13-1-13 HEIGHTS AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(a) Churches, schools, hospitals, 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.

(b) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials; microwave radio relay structures; telephone, telegraph and power poles and lines and necessary mechanical appurtenances are hereby excepted from the height regulations of this Code and may be erected in accordance with other regulations or codes of the Village.

(c) Where a lot abuts on two (2) or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.

(d) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.

(e) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this Code, such lot may be occupied by one (1) family.

(f) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twelve (12) inches.
(g) Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3 ½) feet, provided it be so located as not to obstruct light and ventilation.

SEC. 13-1-14 REDUCTION OR JOINT USE.

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

SEC. 13-1-15 THROUGH SEC. 13-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

Zoning Districts

SEC. 13-1-20 ESTABLISHMENT OF DISTRICTS.

(a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Milltown into the following nine (9) basic zoning districts:
   (1) R-1 Single-Family Residential District
   (2) R-2 Single-Family Residential District
   (3) R-3 Multiple-Family Residential District
   (4) RD Rural Development District
   (5) B-1 General Commercial District
   (6) B-2 Highway Commercial District
   (7) I-1 General Industrial District
   (8) C-1 Conservation District
   (9) 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 R-1 Single-Family Residential District, unless the annexation ordinance places the land in another district.

SEC. 13-1-22 ZONING MAP.

(a) The Village of Milltown is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning map of the Village of Milltown 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 Milltown.
(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 Plan Commission 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 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) **Permitted Uses and Structures.**
1. Single-family dwellings, including twin-homes and related accessory structures.
2. Two-family dwellings.
3. Manufactured homes as defined in Section 13-1-151(b) are included in definition of single-family dwellings. Single Dwelling Manufactured Homes shall meet the standards in Sec. 13-1-24(d).
4. Mobile homes as defined in Section 13-1-151(j) and their accessory structures or uses are not permitted in the R-1 zoning district.
5. Accessory structures shall meet the standards in Sec. 13-1-24(e) and 13-1-140.

(b) **Conditional Uses and Structures**. Parks, greenways and open spaces, playgrounds, public and private schools, hospitals, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, single-family planned residential developments, mobile home parks, home occupations, agricultural uses, and funeral homes.

(c) **Area Requirements.**
(1) Lot Size for single-family and two-family residential dwellings.
   a. Width. Ninety (90) feet minimum.
   b. Area. Twelve thousand one hundred fifty (12,150) square feet minimum.
(2) Lot Size for twin home residential dwellings.
   a. Width. Forty-five (45) feet minimum per lot.
   b. Area. Six thousand (6,000) square feet minimum per lot.
(3) Building Height. Thirty-five (35) feet maximum.
(4) Yards for single-family and two-family residential dwellings.
   a. Front. Thirty (30) feet minimum.
   b. Rear. Thirty (30) feet minimum.
   c. Side. Fifteen (15) feet minimum.
   d. Street Side. Twenty (20) feet minimum.
(5) Yards for twin home residential dwellings.
   a. Front. Thirty (30) feet minimum.
   b. Rear. Thirty (30) feet minimum.
   c. Side. Fifteen (15) feet minimum.
   d. Attached Side. Zero (0) feet minimum.

e. Street Side. Twenty (20) feet minimum.

(d) **Single Dwelling Manufactured Homes Standards.**

(1) The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.

(2) Have a non-metallic, wood shake, asphalt or fiberglass shingle roof with a minimum slope of 3:12.

(3) Have a minimum six (6) inch eave attached to the entire perimeter of the roof.

(4) Have exterior wall coverings consisting of any of the following materials or combination thereof:

a. Aluminum, steel or vinyl siding;

b. Wood or simulated wood; or

c. Brick or stone.

(5) Have a permanent foundation meeting the requirements of the State Uniform Dwelling Code and approved by the Zoning Administrator, which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(6) Are permanently affixed to the foundation. Manufactured homes must have the running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.

(7) Are constructed and installed pursuant to a building permit and subject to all required inspections to ensure that the foundation and all onsite work is constructed to minimum standards and that a manufactured home is assembled on-site to assure that it is in compliance with standards regulating the anchoring of the structure to its foundation and other building requirements. Permit fees shall be as provided in Section 15-1-15 of the Village Building Code. All manufactured homes shall comply with Section 13-1-151(b) of the Village Building Code, and with all erosion control requirements of the State Uniform Dwelling Code.

(8) Comply with all other applicable requirements of the zoning district in which the manufactured home is located, such as, but not limited to, lot size and setback requirements.

(e) **Accessory Structures.** An attached accessory structure shall be similar in material and design as that of the single-family dwelling. Accessory structures, additions to single family dwellings, and all on-site improvements shall meet Zoning Code and State Uniform Dwelling Code standards.

SEC. 13-1-25 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(a) **Permitted Uses and Structures**.

(1) Single-family dwellings, including twin-homes and related accessory structures.

(2) Two-family dwellings.

(3) Manufactured homes as defined in Section 13-1-151(b) are included in the definition of single-family dwellings. Single Dwelling Manufactured Homes shall meet the standards in Sec. 13-1-24(d)

(4) Mobile homes as defined in Sec. 13-1-151(j) and their accessory structures or uses are not permitted in the R-2 zoning district.

(5) Accessory Structures shall meet the standards in Sec. 13-1-24€ and 13-1-140.

(b) **Conditional Uses and Structures**. Parks, greenways and open spaces, playgrounds, public and private schools, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, home occupations, funeral homes and mobile home parks.

(c) **Area Requirements**.

(1) <u>Lot Size for single-family and two-family residential dwellings.</u>

a. Width. Seventy (70) feet minimum.
b. Area. Seven thousand three hundred fifty (7,350) square feet minimum.

(2) Lot Size for twin home residential dwellings.
a. Width. Forty (40) feet minimum per lot.
b. Area. Five thousand (5,000) square feet minimum per lot.

(3) Building Height. Thirty (30) feet maximum.

(4) Yards for single-family and two-family residential dwellings.
a. Front. Twenty-five (25) feet minimum.
b. Rear. Twenty (20) feet minimum.
c. Side. Ten (10) feet minimum.
d. Street Side. Twenty (20) feet minimum.

(5) Yards for twin home residential dwellings.
a. Front. Twenty-five (25) feet minimum.
b. Rear. Twenty (20) feet minimum.
c. Side. Ten (10) feet minimum.
d. Attached Side. Zero (0) feet minimum.
e. Street Side. Twenty (20) feet minimum.

SEC. 13-1-26 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(a) **Permitted Uses and Structures.**
(1) Single-family residential uses dwellings, including twin-homes and related accessory structures.
(2) Two-family and multi-family dwellings.
(3) Manufactured homes as defined in Section 13-1-151(b) are included in the definition of single-family dwellings. Single Dwelling Manufactured Homes shall meet the standards in Sec. 13-1-24(d).
(4) Mobile homes as defined in Sec 13-1-151(j) and their accessory structures or uses are not permitted in the R-3 zoning district.
(5) Accessory structures shall meet the standards in Sec. 13-1-24€ and 13-1-140.

(b) **Conditional uses and Structures.** Parks, greenways and open spaces, playgrounds, public and private schools, hospitals, nursing homes, cemeteries, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development home occupations, funeral homes, community living arrangements/group homes, and multi-family planned unit residential development.

(c) **Area Requirements.**
(1) Lot Size for single-family, two-family, and multi-family residential dwellings.
a. Width. Seventy (70) feet minimum.
b. Area. Ten thousand (10,000) square feet.

(2) Lot Size for twin home residential dwellings.
a. Width. Forty (40) feet minimum per lot.
b. Area. Five thousand (5,000) square feet minimum per lot.

(3) Building Height. Maximum forty-eight (48) feet or four (4) stories, whichever is the least.

(4) Yards for single-family, two-family, and multi-family residential dwellings.
a. Front. Twenty (20) feet minimum.
b. Rear. Twenty (20) feet minimum.
c. Side. Ten (10) feet minimum.
d. Street Side. Twenty (20) feet minimum.

(5) Yards for twin home residential dwellings.
   a. Front. Twenty-five (20) feet minimum.
   b. Rear. Twenty (20) feet minimum.
   c. Side. Ten (10) feet minimum.
   d. Attached Side. Zero (0) feet minimum.
   e. Street Side. Twenty (20) feet minimum.

(d) **Other Requirements.**
(1) Recreational Space Ratio. The recreational space ratio, defined as the minimum square footage of recreation space required for each square foot of floor area, is not less than fourteen one-hundredths (.14).
(2) Floor Area Ratio. The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, is not more than thirty-two one-hundredths (.32).
(3) Open Space Ratio. The open space ratio, defined as the maximum square footage of open space required for each square foot of floor area, is not less than two and two-tenths (2.2).
(4) Living Space Ratio. The living space ratio, defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area, is not less than one and four-tenths (1.4).

SEC. 13-1-27 RD RURAL DEVELOPMENT DISTRICT.

(a) **Permitted Uses and Structures.** Single-family residences, parks, open spaces, agriculture and general farming (except farms feeding offal or garbage and mink farms) dairying, livestock raising, truck farming, forestry, poultry raising, cemeteries, municipal service functions and structures, pumping stations, quarries, churches, taverns, home occupations, mobile home parks, trailer parks and golf courses.

(b) **Conditional Uses and Structures**. Dumps, sewage disposal plants, disposal areas, municipal service buildings and functions, incinerators, mink farms or farms feeding offal or garbage, cemeteries, gravel pits, fairgrounds, airports, campgrounds, commercial and mobile home parks, trailer parks, shouses and industrial uses provided they are adequately screened and approved by the Village Board.

(1) **Shouse.** It is the intent of this Section to encourage alternative housing by permitting structures such as a shouse, as defined in Section 13-1-200. To assure acceptable similarity in exterior appearance between shouses and dwellings that have been or might be constructed on adjacent or nearby lots in this district, as a minimum, all the following conditions shall be met before a Conditional Use Permit can be approved. However, the Zoning Board of Appeals may impose additional conditions to address specific and/or unique neighborhood characteristics.

a. Constructed subject to the State Uniform Dwelling Code requirements.
b. Constructed subject to a building permit and permit fees as provided in Section 15-1-15 of the Village Building Code and subject to required building inspections.
c. Subject to all applicable storm water and erosion control requirements.
d. Constructed with a concrete slab, to serve as either the finished floor surface or as the subfloor for other finished flooring types such as but not limited to carpet, ceramic tile, wood, or composite floor materials. Alternative subfloor systems may be permitted

with Village Board approval however, in no case shall any floor area of a shouse be gravel or soil.

e. If metal is used as an exterior building material, then the exterior of the building shall be of steel or aluminum, factory finished with a durable non-fade surface and the fasteners shall be of a corrosion resistant design. Galvanized or unfinished metal exteriors shall be prohibited.

f. The building height shall not exceed the average height of the two closest residential dwellings.

g. The building façade facing the street shall not be a single plane. As a minimum there shall be a canopy over the front entrance, the garage shall be setback a minimum of two feet from the front façade, and the maximum height of garage door openings shall be (8) eight feet.

h. The roof overhang shall be a minimum of (12) twelve inches and shall not exceed the average of the two closest residential dwellings.

(c) **Area Requirements**.

(1) Lot Size.

a. Width. Two hundred seventy (270) feet.

b. Area. Two (2) acres.

(2) Building Height. Thirty-five (35) feet maximum, except for barns, silos and other buildings and structures of which the primary use is agriculture. This exception does not include shouses.

(3) Yards.

a. Street. Fifty (50) feet minimum.

b. Rear. Fifty (50) feet minimum.

c. Side. Fifty (50) feet minimum.

In no case shall any structure be closer than forty (40) feet from any lot line, nor any dump, disposal area, incinerator or principal structures or buildings for mink farms, or farms feeding offal or garbage be less than five hundred (500) feet from any lot line.

Sec. 13-1-28 B-1 GENERAL COMMERCIAL DISTRICT.

(a) **Permitted Uses and Structures.** Hardware and feed stores, auto sales and service, funeral parlors, drug stores, furniture stores, barber shops, grocery stores, supermarkets, bakeries, bars, telephone companies and offices, cocktail lounges, restaurants, cafes, motels, hotels, rooming houses, fruit stores, dry goods stores, luggage shops, stationery stores, personal and business service establishments, pet shops, coin-operated laundromats, clothing stores, public passenger transportation terminals, gift stores, variety stores, garages, theaters, professional and medical offices, veterinarian offices, organization headquarters, newspaper and magazine publishers, jewelry stores, banks, shoe stores, governmental and utility offices, religious stores, packaged beverage stores, appliance sales and repair, sporting goods, insurance and real estate offices, radio and television sales and service, catalogue order stores, savings and loan and finance companies, department stores, bowling alleys, post offices, churches, tobacco and magazine stores, beauty salons, music shops, radio station (without antenna), public and private schools, parking area, open spaces, parks, light industrial activities and retail sale of the manufactured product, multifamily residential dwellings, mixed-use dwelling unit(s) – one or more residential dwellings within a mixed-

use structure such as commercial building and where parking is provided for both the residential and nonresidential uses per Section 13-1-92.

(b) **Conditional uses and Structures.** Wholesale outlets, governmental garages, recycling of major appliances, municipal centers, secondhand stores, professional laundry and dry-cleaning establishments, gas stations, implement sales, locker plants, commercial storage, and contractors' offices, lumber sales and manufacture of electrical components provided there is not outdoor storage of equipment and materials.

(c) **Area Requirements.**
   (1) Building Height. Thirty-five (35) feet maximum.
   (2) Lot Size.
      a. Width. No minimum requirement.
      b. Area. No minimum requirement.
   (3) Yards. No requirements.

SEC. 13-1-29 B-2 HIGHWAY COMMERCIAL DISTRICT.

(a) **Permitted Uses and Structures.** Gas stations, automobile sales and service stations and public garages, truck terminals, drive-in establishments serving food and beverages for consumption on premises, motels, night clubs, parks, restaurants, laundromats, professional laundry and dry-cleaning establishments, parking, group daycare facilities and any permitted uses and structures in the General Commercial District.

(b) **Conditional Uses and Structures.** Professional office buildings, warehouses and warehouse functions, lumber storage and sales, livestock sales, taxidermy business, hospitals and clinics, churches, drive-in theaters, amusement parks, commercial greenhouses, highway-oriented light industrial activities, recycling of major appliances, and other uses similar or customarily incident to the above uses, and any conditional uses and structures in the General Commercial District.

(c) **Area Requirements.**
   (1) Building Height. Thirty-five (35) feet maximum.
   (2) Lot Size. Width. Ninety (90) feet minimum.
   (3) Yards.
      a. Front. Eighty (80) feet minimum.
      b. Rear. Twenty (20) feet minimum.
      c. Side. Twenty (20) feet minimum.

SEC. 13-1-30 I-1 GENERAL INDUSTRIAL DISTRICT.

(a) **Permitted Uses and Structures.** Automotive body repairs, automotive upholstery, cleaning, pressing and dyeing establishments, commercial bakeries, bulk gas storage and sales, utility lines, electrical generating plants, pump houses, commercial greenhouses, distributors, farm machinery, food locker plants, laboratories, machine shops, manufacture and bottling of nonalcoholic beverages, painting, printing, publishing, storage and sale of lumber, machinery and equipment, trade and contractor's office, creameries and milk collections stations, warehousing and wholesaling; manufacturing, fabrication, packing, packaging and assembly of confections, cosmetics, electrical appliances, electronic devices, food except cabbage, fish and fish products, meat products and pea vining; instruments, jewelry, pharmaceuticals, tobacco and toiletries; freight terminals and transshipment depots, inside storage, breweries, agriculture, parking and open areas.

(b) **Conditional Uses and Structures.**

(1) Disposal Uses. Dumps, disposal areas incinerators and sewage disposal plants, earth and sanitary landfill operations.

(2) Manufacture and Processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrin, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ink, insecticide, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, proxylin, radium, rope, rubber, sausage, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Bag cleaning; bleacheries; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughter-houses; smelting; stockyards; tanneries and weaving.

(3) Outside Storage and Manufacturing Areas, wrecking, junk demotion and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public rights-of-way and shall be at least six hundred (600) feet from residential or commercial structures.

(4) Commercial Service Facilities, such as restaurants and fueling stations, provided all such services are physically and sales-oriented toward industrial district users and employees and other users are only incidental customers.

(c) Area Requirements.

(1) Lot Size.

a. Width. Eighty (80) feet.

b. Area. Ten thousand (10,000) feet.

(2) Building Height. None.

(3) Yards.

a. Street. Minimum ten (10) feet.

b. Rear. Minimum thirty (30) feet.

c. Side. Minimum ten (10) feet.

SEC. 13-1-31 C-1 CONSERVANCY DISTRICT.

(a) **Permitted Uses and Structures**. The harvesting of wild crops such as march hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, sustained-yield forestry; utilities such as, but not restricted to, telephone, telegraph and power transmission lines; hunting, fishing, scenic, historic, scientific, wildlife preserve; nonresident buildings used solely in conjunction with the raising of water fowl or fish; hiking trails and bridle paths, accessory uses; public and private parks and picnic areas, regulatory signs not over six (6) square feet; and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.

(b) **Conditional uses**. Filling, drainage, dredging, farm structures and uses, single-family residences, sewage disposal plants and municipal dumps, dams, power plants, flowages, ponds, relocation of water courses, removal of top soil or peat, piers, docs boat houses, campgrounds, mobile home parks, trailer parks, recreational developments and home occupations. All permitted and conditional uses are subject to the provisions of Article E.

SEC. 13-1-32 R-MH MOBILE HOME DISTRICT.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article L of this Chapter.

SEC. 13-1-33 PUBLIC AND INSTITUTIONAL.

(a) **Purpose.** The purpose of the Public and Institutional District (PI) is to accommodate village, state and federally owned or leased and operated government facilities providing essential public services, institutional uses, open space uses, recreational uses, and other such uses generally serving the community at large.

(b) **Non-Conforming Structures and Uses.**

1) Any public and/or institutional facility that lawfully existed prior to the effective date of this Code and that are not zoned (PI) are determined to be conforming.

(c) **Permitted Uses.** The following permitted uses shall be subject to the provisions of Article E.

(1) Administrative service facilities.
(2) Community centers (publicly owned).
(3) Essential public service facilities.
(4) Libraries.
(5) Museums (publicly owned).
(6) Parks, playgrounds.
(7) Recreational facilities (publicly owned).
(8) Any other public/institutional uses which are comparable in nature with the foregoing uses.

(d) **Accessory Uses.** The following accessory structures shall be subject to the provisions of Article K.

(1) Accessory uses and structures customarily associated with the principal permitted uses.
(2) Commercial uses of an accessory nature which are incidental and customarily associated with support of a primary public use of the site for public purpose.
(3) Temporary use of the site for public purpose.

(e) **Conditional Uses.** The following conditional uses, shall be subject to the provisions of Article E.

(1) Cemeteries.
(2) Childcare centers.
(3) Churches and houses of worship.
(4) Civic and cultural facilities.
(5) Communication towers.
(6) Community centers (privately owned or not for profit).
(7) Electric or gas generating facilities.
(8) Family care facilities.
(9) Group care facilities.
(10) Museums (privately owned or not for profit).
(11) Nursing homes, and assisted living facilities.
(12) Recreational facilities (privately owned or not for profit).
(13) Schools, private and parochial.
(14) Social and fraternal organizations.

(f) **Area Requirements**

(1) Building Height. Thirty-five (35) feet maximum.
(2) Lot size.
a. Width. No minimum requirement.

b. Area. No minimum requirement.

(3) Yards. No requirements.

SEC. 13-1-34 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 Statues (condominiums) may be permitted by the Village upon specific petition under Section 13-1-57 of this Chapter and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section of the Chapter have been met.

SEC. 13-1-51 TYPES OF PLANNED UNIT DEVELOPMENTS.

This Article contemplates that there may be a Residential, commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments.

SEC. 13-1-52 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

A planned unit development shall be consistent in all respects to the expressed intent of this Article and to the spirit and intent of this Chapter; shall be in conformity with the adopted mast plan (comprehensive land use and thoroughfare plan), neighborhood plan or any adopted component thereof; and shall not be contrary to the general welfare and economic prosperity of the community.

SEC. 13-1-53 PHYSICAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS.

(a) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD

Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	5 acres
Mixed Compatible Use	5 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 by the developer.

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 REQUIREMTNS – 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 of his agent making such petition shall meet with the Plan Commission 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 of 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) Information Statement. A statement which sets forth the relationship of the proposed PUD to the Village's adopted master (comprehensive land use and thoroughfare plan) plan, neighborhood plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:

a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.

(2) A General Development Plan Including:

a. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
b. The location of public and private roads, driveways, sidewalks and parking facilities.
c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
e. The type, size and location of all structures.
f. General landscape treatment.
g. The existing and proposed location of public sanitary sewer, water supply facilities and storm water drainage facilities.
h. The existing and proposed location of all private utilities or other easements.
i. Characteristics of soils related to contemplated specific uses.
j. Existing topography on the site with contours at no greater than two (2) foot intervals.
k. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
l. If the development is to be staged, a staging plan.
m. A plan showing how the entire development can be further subdivided in the future.

(c) **Referral to Plan Commission.** The petition for a planned unit development shall be referred to the Plan Commission for its review and recommendation, which recommendation shall include any

additional conditions or restrictions which the Plan Commission m ay deem necessary or appropriate.

(d) **Public Hearing.** Following receipt of the Plan Commission's recommendation, the Village Board shall hold a public hearing on the petition, including any conditions or restrictions imposed by the Plan Commission, in the manner provided in Section 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 Plan Commission, in making recommendations for approval, and 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 Plan Commission and 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 Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
   (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
   (2) The total net residential density within the planned unit development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
   (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
      a. Planned residential developments in the R-1 or R-2 Districts shall not exceed four (4) dwelling units per structure.
      b. Planned residential developments in the R-3 District shall not exceed sixteen (16) dwelling units per structure.
   (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
   (5) Provision has been made for adequate, continuing fire and police protection.
   (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
   (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

(d) **Commercial PUD, Considerations.** The Plan Commission and 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 exits 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 Plan Commission and 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 Plan Commission and 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 sues procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
(2) The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character.
(3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

SEC. 13-1-59 DETERMINATION OF DISPOSITION OF THE PETITION.

(a) **General.** The Village Board, upon receipt of recommendation from the Plan Commission and following public hearing thereon, and after due consideration, shall either deny the petition, approve the petition as submitted or approve the petition subject to any additional conditions and restrictions the Village Board may impose.

(b) **Approval.** The general and detailed approvals of a planned unit development shall be based on and include, as conditions thereto, the building, site and operational plans for the development as approved by the Village Board.

(1) General Approval. The general development plan submitted with the PUD application need not necessarily be completely detailed at the time of petition provided it is in sufficient detail to satisfy the Village Board as to the general character, scope and appearance of the proposed development. Such plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of such general development plan, by way of approval of the petition, shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses.

(2) Detailed Approval. Detail plans must be furnished to the Plan Commission and Village Board for their 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 are 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 first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall make its recommendation to the Village Board and further recommend additional public hearing in which even 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 STATEMETN OF PURPOSE – CONDITIONAL USES.

The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without, consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use 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 PLAN COMMISSION NAD 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, public hearing and advisory recommendation from the plan Commission, 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 Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

(b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways 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 Plan Commission 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 Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan shoeing contours and soil types; high water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations. A non-refundable fee of seventy-five dollars ($75.00) shall be paid at the time of application.

SEC. 13-1-64 HEARING ON APPLICATION.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board, on its own motion, from referring the request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

SEC. 13-1-65 NOTICE OF HEARING ON APPLICATION.

(a) **Hearing.** 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 Plan Commission, 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.

(b) **Report of Plan Commission.** The Plan Commission shall report its advisory recommendations to the Village Board within thirty (30) days after a matter has been referred to the Commission. If such action has not been reported by the Plan Commission within thirty (30) days, the Village Board can act without such recommendation.

SEC. 13-1-66 STANDARDS – CONDITIONAL USES.

No application for a conditional use shall be recommended for approval by the Plan Commission or granted by the Village Board unless such Commission and 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 measure has been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
(f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
(g) That the proposed use does not violate flood plain regulations governing the site.
(h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and 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 Plan Commission and 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 shore land location.
    (8) Its compatibility with uses on adjacent land.
    (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

SEC. 13-1-67 DENIAL OF APPLICATION FOR CONDITIONAL USE PERMIT.

When an advisory recommendation of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met.

SEC. 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;
   (18) Duration of conditional use; or
   (19) Any other requirements necessary to fulfill the purpose and intent of this Chapter.

(b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may 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 after recommendation from the Plan Commission.

(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.

Time limits on development of a conditional use. Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Village Board and shall be operational withing 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. The Board may extend such permit for a period of time 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 and after seeking an advisory recommendation from the Plan Commission, 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 (1) 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 residential districts pursuant to this Article.
(b) **Definition**. "Bed and breakfast establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
(c) **State Standards**. Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

SEC. 13-1-72 THROUGH SEC. 13-1-79 RESERVED FOR FUTURE USE.

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 SUBSTANDARD LOTS.

(a) In any residential district, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot of parcels of record in the County Register of Deeds office before the effective date (November 2, 1971) or amendment of this Chapter.

(b) Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Chapter. If, in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
   (1) Lot.
      a. Width. Minimum forty (40) feet.
      b. Area. Minimum four thousand six hundred (4,600) square feet.
   (2) Building.
      a. Area. Minimum one thousand (1,000) square feet.
      b. Height. Maximum thirty (30) feet.
   (3) Yards.
      a. Street. Minimum twenty-five (25) feet; the second street yard on corner lots shall be not less than ten (10) feet.
      b. Rear. Minimum twenty-five (25) feet.
      c. Side. Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet.

SEC. 13-1-85 NONCONFORMING LOTS, STRUCTURES AND USES IN INDUSTRIAL DISTRICT.

In the I-1 Industrial District, single-family detached dwellings and their accessory structures may be erected on any legal lot or parcel of record at the time of the adoption of this Chapter (November 2, 1971). The burden of proof shall be on the applicant for a buildings permit or certificate of zoning compliance to show that such lot was on record in the county Register of Deeds' office prior to the adoption of this Chapter. No further subdivision for residential purposes is permitted in the Industrial District. Any building or structure erected after the adoption of this Chapter under this Section shall conform to the requirements of Sections 13-1-82 and 13-1-84 but shall not be subject to the repair and termination provisions of Sections 13-1-80 through 13-1-82.

SEC. 13-1-86 THROUGH SEC. 13-1-89 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 (November 2, 1971) or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. Total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the fair market value of the structure at the time of it becoming a nonconforming use unless it is permanently changed to conform to 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 six (6) 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.

(a) 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. Additions to legal nonconforming structures are permitted without a variance if:

(1) The addition does not increase the degree of nonconformity; and

(2) The addition may match the existing setback encroachment but shall not extend further into any required setback than the existing structure; and
(3) The addition shall be setback a minimum of 5 feet from the nearest lot line; and
(4) All other provisions of this Chapter are met, including Section 13-1-90 Traffic Visibility.

(b) If a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, it may be reconstructed to its prior size, location, and use, or enlarged as necessary to comply with state or federal codes without a variance

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 SUBSTANDARD LOTS.

(a) In any residential district, a one (1) family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date (November 2, 1971) or amendment of this Chapter.

(b) Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Chapter. If, in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:
(1) Lot.
a. Width. Minimum forty (40) feet.
b. Area. Minimum four thousand six hundred (4,600) square feet.
(2) Building.
a. Area. Minimum one thousand (1,000) square feet.
b. Height. Maximum thirty (30) feet.
(3) Yards.
a. Street. Minimum twenty-five (25) feet; the second street yard on corner lots shall be not less than ten (10) feet.
b. Rear. Minimum twenty-five (25) feet.
c. Side. Minimum sixteen percent (16%) of the frontage, but not less than five (5) feet.

SEC. 13-1-85 NONCONFORMING LOTS, STRUCTURES AND USES IN INDUSTRIAL DISTRICT.

In the I-1 Industrial District, single-family detached dwellings and their accessory structures may be erected on any legal lot or parcel of record at the time of the adoption of this Chapter (November 2, 1971). The burden of proof shall be on the applicant for a building permit or certificate of zoning

compliance to show that such lot was on record in the county Register of Deeds' office prior to the adoption of this Chapter. No further subdivision for residential purposes is permitted in the Industrial District. Any building or structure erected after the adoption of this Chapter under this Section shall conform to the requirements of Sections 13-1-82 and 13-1-84 but shall not be subject to the repair and termination provisions of Sections 13-1-80 through 13-1-82.

SEC. 13-1-86 THROUGH 13-1-89 RESERVED FOR FUTURE USE.

ARTICLE G

Traffic Visibility, Loading, Parking and Access

SEC. 13-1-90 TRAFFIC VISIBILITY.

In each quadrant of every street intersection, there shall be designated a vision clearance triangle bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle no object shall be allowed between the height of two and one-half (2 ½) and ten (10) feet above the streets if it obstructs the view across the triangle.

SEC. 13-1-91 LOADING REQUIREMENTS.

(a) **Loading Space Requirements.** In any commercial or industrial district, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so the public street shall, at all times, be free and unobstructed to the passage of vehicular and pedestrian traffic. Such space shall be provided as follows:

Gross Floor Space	Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area
0-1,500	None
1,501 – 10,000	One Space
10,001 and over	One space plus one space for each 20,000 Square feet in excess of 10,001 square feet

(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 fifty (50) feet, and a vertical clearance of at least fourteen (14) feet.

(e) **Surfacing.** All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.

(f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.

(g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

(1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
(2) Total berths provided shall meet the requirements based on the sum of the several types of used 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 OFF-STREET PARKING REQUIREMENTS.

All new parking lots and all alterations of existing lots exceeding five (5) stalls shall be subject to the approval of the Village Board, after a recommendation from the Plan Commission. 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) **Installation.** At the time of application, Applicants shall demonstrate that required off-street parking can be accommodated on-site or off-site if needed, but construction of such spaces may not be required if a delay in construction is approved by the Village Bard as part of a site plan review. Any of the following may trigger a need to install the required off-street parking as determined by the Village Board:
    1. Actual operational demand creates persistent on-street congestion.
    2. The use intensifies (e.g., larger occupancy, new tenants, expanded hours).
    3. A change of use requires more parking under the Code.
    4. Performance standards (circulation, safety, access) are not being met.

(b) **Design Standards.** A standard off-street parking space shall measure no less than nine (9) feet in width by eighteen (18) feet in length for 90-degree parking configurations. Enclosed garage stalls located on the same zoning lot as the principal building may be counted toward the minimum number of required off-street parking spaces, provided they meet the dimensional and access standards of this section. No parking area of more than four (4) spaces shall be designed as to require any vehicle to back into a public street. Large expanses of un-channeled parking areas shall be avoided by interior landscaping and safety islands.

(c) **Location.**
    (1) Off-street parking shall be on the same lot as the principal use or not over five hundred (500) 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 residence and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Section 13-1-93.

(d) **Surfacing.** All new or expanded off-street parking and driveway areas, except driveways and parking spaces accessory to a single-family dwelling and existing driveways and parking areas in their current state, shall be surfaced with an all-weather material, such as blacktop.

(e) **Additional Requirements.**

(1) Special residential requirements. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planning of equivalent visual density or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.

(2) 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.

(3) 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) foot candles measured at the lot line.

(4) Street Setback Area. No parking shall be permitted between the street right-of-way line and the required building setback line unless located on an approved parking surface material. The remaining area of the required front yard shall be planted in grass or otherwise landscaped to create a permanent green area.

(5) Planting Requirements. All open off-street automobile parking areas either created or redesigned and rebuilt subsequent to the adoption of this Chapter (November 2, 1971) containing two (2) or more rows of parking stalls and an area of ten thousand (10,000) square feet or more shall provide and maintain canopy-type shade trees along with other forms of vegetation hardy to this region in tree islands and planning strips totaling not less than three percent (3%) of the surfaced parking areas. The minimum size of each tree island or planting strep shall be not less than fifty (50) square feet. The size, type and location of the islands and planting strips and the plant material shall be indicated on the plans required for obtaining a buildings permit.

(f) **Curbs**. Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.

(g) **Number of Stalls**. Number of parking stalls required are shown in the following table:

Use	Minimum Parking Required
Single-family residential	2 spaces per dwelling unit
Elementary schools	1 space per 2 employees
Junior or senior high school	1 space per 2 employees, plus one space Per 10 students
Libraries	1 space per 800 gross square feet
Auditoriums (school)	1 space per 8 seats
School gyms, stadiums, etc.	1 space per 8 seats
Institutions for the aged	1 space per 4 beds, plus 1 space per 2 employees, plus 1 space per doctor on staff

Hospitals	1 space per 2 beds, plus 1 space per 2 employees, plus 1 space per doctor on staff
Mobile home parks	2 spaces per lot
Philanthropic and charitable uses	1 space per 2 employees, plus an adequate number to serve the public as determined by the Building Inspector
Public utilities and service uses	1 space per 2 employees, plus an adequate number to serve the public as determined by the Building Inspector
Private clubs	1 space per lodging room, plus spaces equal to 30% of capacity in persons
Noncommercial community center	1 parking stall per five seats of capacity
Parks and playgrounds	as determined by the Village Board
Civic and cultural facilities	1 space per 300 gross square feet
Radio and television stations	1 space per 2 employees
Churches, etc.	1 space per 6 seats
Apartment hotels	1 space per dwelling unit
Boarding houses, etc.	1 space per 3 rooming units, plus 1 space for The manager
Multi-family residential	1.2 spaces per dwelling unit except in housing developments for the elderly, this ratio shall be .5 spaces per dwelling unit
Taverns and restaurants	Parking space equal to 30% of capacity in persons
Service stations	1 space per 2 employees, plus 1 space for the manager
Resorts	1 space per 2 employees, plus space equal to 20% capacity or 1 space per rental unit, whichever is greater
Bowling alleys	5 spaces per alley plus 1 space per 300 gross Feet used for bars, restaurants, etc.

Travel trailer parks	1 ½ space per travel trailer site
Campgrounds	1 space per campsite
Pool halls, dance halls, pools, skating rinks	parking spaces equal to 30% of the capacity in persons
Medical and dental clinics	3 spaces per staff member
Auto sales	2 spaces per employee
Post office	1 space per 2 employees, plus 1 space per 300 gross square feet in excess of 4,000 square feet
Commercial schools (music, dance, etc.)	1 space per employee, plus 1 space per 5 students
Indoor theater	1 space per 6 seats up to 400 seats, plus 1 space per each 4 seats over 400
Funeral parlors	8 spaces per chapel or parlor, 1 space per funeral vehicle
Highway commercial district	1 space per 200 gross square feet, in excess of 2,000 square feet or 6 spaces for each 1,000 gross square feet in integrated center
Animal hospitals and kennels	2 spaces per employee
Car wash	1 space per 3 employees, plus 1 space for the manager, plus spaces equaling 5 times the capacity of the car wash
Cartage and express facilities	1 space per vehicle operated plus 1 space per 2 employees
Contractor or construction office	1 space per employee
Laundries	1 space per 3 employees
Printing and publishing	1 space per 3 employees
Warehousing and wholesaling	1 space per 3 employees
Hotels	1 space per 3 rooms
Riding stables	1 space per employee and enough additional

	space for public (as determined by the Plan Commission)
General industry	1 space per 1.3 employees (maximum number of employees at one time in plant)

(h) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.

(i) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the Village Attorney shall accompany any joint use arrangement.

(j) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Section 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

(k) **Changes in Buildings or use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

(l) **Off-Lot Parking**.

(1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met; such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.

(2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within five hundred (500) 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.

(m) **Exceptions**. Notwithstanding any minimum, maximum, location, design, or dimensional parking standards contained in this Chapter, the Village Board may approve a deviation from, reduction of, or exemption to such standards through the issuance of a Conditional Use Permit. In granting a Conditional Use Permit under this provision, the Village shall find that the requested exception is consistent with the purpose and intent of this Chapter, will not adversely impact public health, safety, or welfare, and is otherwise in the best interest of the Village. The Village Board may impose conditions necessary to ensure adequate site circulation, emergency access, loading and accommodation of future parking demand.

SEC. 13-1-93 HIGHWAY ACCESS.

(a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

(b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

(c) Temporary access to the above rights-of-way may be granted by the Village Board 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. 13-1-94 STORAGE AND PARKING OF RECREATIONAL VEHICLES.

(a) **Definitions – Recreation Vehicles.** For purpose of this Section, the following definitions shall apply:

(1) Mobile Home. Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Length of a mobile home means the distance from the exterior of the front wall (nearest to the exterior of the drawbar and coupling mechanism) to the exterior of the rear wall (at the opposite end of the home) where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, drawbars, couplings, hitches, wall and roof extensions or other attachments. Width of a mobile home means the distance from the exterior of one (1) side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms but not bay windows, porches, wall and roof extensions or other attachments.

(2) Recreation Vehicle. Recreational vehicle means any of the following:

a. Travel Trailer means a vehicular, portable structure built on a chassis and on wheels that is between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width, designated to be used as a temporary dwelling for travel, recreations, vacation or other uses and towed by a car, station wagon or truck. It includes so called fifth-wheel units.

b. Pick-up Coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.

c. Motor Home means a portable, temporary dwelling to be used for travel, recreation, vacation or other uses, constructed as an integral part of a self-propelled vehicle.

d. Camping Trailer means a canvas or folding structure mounted on wheels and designed for travel, recreations, vacation or other uses.

e. Chassis Mounts, Motor Homes and Mini-Motor Homes means recreational structures constructed integrally with a truck of motor-van chassis and incapable of being separated therefrom.
f. Converted and Chopped Vans mean recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
g. Boat or Snowmobile Trailer means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.

(3) Boat. Boat means every description of watercraft used or capable of being used as a means of transportation on water.
(4) Yard, Front, means that part of a lot between the front lot line and front(s) of the principal building on the lot and extended to both side lot lines.
(5) Yard, Rear, means that part of a lot between the rear lot line and the back(s) of the principal building on the lot and extended to both side lot lines.
(6) Yard, Side, means that part of a lot not surrounded by a building and not in the front or rear yard.

(b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:
(1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
(2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
(3) Parking is permitted outside on a hard surfaced or well-drained gravel driveway, provided:
a.
1. Space is not available in the rear yard or side yard, or there is not reasonable access to either the side yard or rear yard.
2. A corner lot is always deemed to have reasonable access to the rear yard.
3. A fence is not necessarily deemed to prevent reasonable access.

b. Inside parking is not possible
c. The unit is parked perpendicular to the front curb.

(4) The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
(5) No part of the unit may extend over the public sidewalk or public right-of-way.
(6) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one (1) calendar year.
b. Permanently connected to sewer lines, water lines or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
c. Used for storage of goods, materials or equipment other than those items considered to be part of the unit or essential for its immediate use.

(7) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

State Law Reference: Sec. 30.50, Wis. Stats. and HSS 177 and 178, Wis. Adm. Code.

SEC. 13-1-95 STORAGE OF TRACTORS AND ROAD MACHINERY.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings the following types of vehicles: semi-tractors, tractor trailers, semi-trailers, dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

SEC. 13-1-96 THROUGH SEC. 13-1-99 RESERVED FOR FUTURE USE.

ARTICLE H

Signs

SEC. 13-1-100 TITLE.

This Article will be known as the Village of Milltown "Sign Ordinance" or "Sign Code".

SEC. 13-1-101 PURPOSE AND INTENT.

The purpose of this Article is:
(a) To establish standards which would permit businesses in the Village of Milltown a reasonable and equitable opportunity to identify themselves.
(b) To preserve and promote civic beauty and not allow signs which would detract from this objective because of unusual size, shape, height, location, condition, cluttering or illumination.
(c) To ensure that signs in the Village do not create a safety hazard.
(d) To preserve and protect the value of land and buildings, and to preserve and protect landscapes.

SEC. 13-1-102 SCOPE

This Article applies to all signs in the Village, and describes signs which are prohibited, signs which may be erected only with a permit, and signs which may be erected without a permit. This Article also contains certain requirements for all signs erected, administrative provisions for issuance of permits and procedures with respect to variances.

SEC. 13-1-103 DEFINITIONS.

(a) For the purposes of this Article, the following terms have the meanings given them in this Section:
(1) Advertising Message. The copy on a sign describing products or services being offered to the public.
(2) Animated Sign. A sign which includes action or motion.
(3) Billboard. A sign erected for the purpose of advertising a product, event, person or subject not entirely related to the premises on which the sign is located.
(4) Business Frontage. The linear frontage of that portion of a building facing the right-of-way and occupied by one (1) separate business.
(5) Canopy. A permanent roof structure attached to and supported by the building.
(6) Changeable Copy Sign. Any sign which is characterized by changeable copy, letters or symbols, regardless of method of attachment.
(7) Directional Sign. An on-premise sign designed to guide or direct pedestrian or vehicular traffic.
(8) Electric Sign guide or direct pedestrian or vehicular traffic.
(9) Electric Sign. Any sign containing electrical wiring but not including signs illuminated by an exterior light source.
(10) Flashing Sign. An illuminated sign which contains flashing lights or exhibits noticeable changes in light intensity.
(11) Ground Sign. Any sign which is freestanding by virtue of being structurally independent of any structures or object, and is affixed to the ground by means of a base with no visibility between

the bottom of the sign and the base on which it is attached, and landscaped to enhance the appearance of the signage.

(12)Historical Identification Symbols. Those symbols which have historically been identified with the service the establishment provides, are common to similar enterprises in all other localities and are not a particular trademark or business identification.

(13)Illuminated Sign. A sign designed to give forth any artificial or reflected light, either directly from a source connected with the sign or indirectly from an artificial source, so shielded that no direct illumination from it is visible except on the sign and in its immediate proximity.

(14)Identification Sign. A sign which contains no advertising but is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution or the occupation of the person.

(15)Major Anchor. A single tenant in a shopping center that is at least twenty percent (20%) of the total square footage and in excess of fifty thousand (50,000) square feet.

(16)Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the buildings, generally designed and constructed to provide protection from the weather.

(17)Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

(18)Pedestal. A foundation or base of a ground sign which either directly supports the signage or completely screens the supporting members of the sign.

(19)Person. An individual, firm, association, organization, partnership, trust or corporation.

(20)Political Sign. Any sign which states the name or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies erected on private property, which is erected by a bona fide candidate for political office or by a person or group supporting such a candidate and which contains the name of the person or group chairman responsible for the erection and removal of the sign.

(21)Pylon Sign. Any sign which is freestanding by virtue of being structurally independent of any structure or object other than uprights, braces or poles without guywires or pedestal.

(22)Projecting Sign. A sign other than a wall sign, which is affixed to a building and projects outward more than fifteen (15) inches from the building wall or structure.

(23)Public Service Sign. Any sign primarily intended to promote items of general interest to the community.

(24)Real Estate Sign. A sign pertaining to the sale, lease or rental of the real estate upon which it is located.

(25)Roof Line. The uppermost line of the roof of a building, or in the case of an extended façade, the uppermost height of the façade.

(26)Roof Sign. A sign erected upon the roof or parapet of a building, the entire face of which is situated above the roof level of the building to which it is attached, and which is wholly or partially supported by the buildings.

(27)Shopping Center. Any group of four (4) or more occupant retail or service establishments on one (1) or more contiguous tracts of land in single ownership, compromising over seventy-five thousand (75,000) square feet of floor area with parking provided on the tract or tracts of land for use in common by patrons.

(28)Sign. Any structure, device, advertisement or visual representation intended to visually advertise, identify or communicate information, or to visually attract the attention of the public for any purpose unless located within a building and not visible from the exterior of the buildings. Without limiting the generality of the foregoing, the term includes any symbols, letters, the generality of the foregoing, the term includes any symbols, letters, figures,

illustrations or forms painted, or otherwise affixed to a building or structure, any beacon or search light intended to attract the attention of the public for any purpose, and any structure or device, the prime purpose of which is to border, illuminate, animate or project a visual representation. Notwithstanding the foregoing, the term "sign" shall not include official notices issued by any court or governmental body, notices posed by a public official in the performance of official duties, or traffic control signs established pursuant to governmental authority.

(29) Sign Surface Area. The area in square feet of the smallest rectangular figure which circumscribes the area enclosed by the actual copy of a sign, including both sides of a sign with copy on both sides and including border and trim of the sign. The supports, uprights or structures in which any sign is supported will not be included in determining the sign area.

(30) Street. A public highway, road, alley or thoroughfare.

(31) Strip Mall. Any group of four (4) or more occupant retail or service establishments on one (1) or more contiguous tracts of land in single ownership, compromising seven thousand five hundred (7,500) to seventy-five thousand (75,000) square feet of floor area, with parking provided on the tract or tracts of land for use in common patrons.

(32) Temporary Sign. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric or cardboard, wallboard or other light materials with or without frames; intended to be displayed for a limited period of time only.

(33) Wall Sign. A flat sign which does not extend more than eighteen (18) inches from the face or wall of the building upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

(34) Wall Surface. The total surface area of the building face to which the sign is attached, including windows and door areas, measured to the extreme outer limits of the wall surface.

(35) Window Sign. A sign affixed to or inside a window in view of the general public, but excluding merchandise on display.

SEC. 13-1-104 APPLICATION OF SIGN REGULATIONS.

(a) **Conformity.** No sign may be erected, placed, altered or moved unless in conformity with this Article.

(b) **Other Code Provisions**. Nothing in this Article may be taken to relieve any person from complying with the provisions of any other Article in the Village Code of Ordinances.

SEC. 13-1-105 GENERAL SIGN REQUIREMENTS.

(a) **Sign Permit Not Required**. The changing of the advertising message of a painted or printed sign, theater marquee or changeable copy sign, and the painting, repainting and cleaning of signs will not require a sign permit, but will otherwise be done in compliance with this Article and any other applicable law or section of this Code of Ordinances.

(b) **Hazard and Hazardous Signs.** No sign may be reason of its location, color or intensity, create a hazard to the safe and efficient movement of vehicles or pedestrian traffic. No private sign may contain words which might be construed as traffic controls, such as "Stop", "Caution", "Warning", or otherwise resemble any official marker erected by a governmental body or agency, unless such sign is a directional sign.

(c) **Framework of Signs.** When possible, the framework for the lateral support of a sign must be contained within the sign's body or within the structure of the building to which it is attached so as not to be visible.

(d) **Placement of Signs.** No sign, or attachment to it, may be erected, placed or maintained by any person on rocks, fences, or trees, nor in such a manner as to interfere with any electric lights, power, and telephone or telegraph wires, or the supports thereof.

(e) **Maintenance.** All signs, together with all of their supports, braces, guys and anchors, must be kept neatly painted and posted. Every sign must be maintained by the owner or person in charge of the sign in a clean, safe, sanitary, and inoffensive condition and free of litter, rubbish and weeds.

(f) **Inspections.** All signs for which a permit is required may be inspected by the Building Inspector, and a permanent record, including photographs, may be maintained. The Building Inspector or the Building Inspector's designated representative may, after notice to the owner, enter upon any property to ascertain whether the provisions of this Article are being complied with. The Building Inspector may order the removal of any sign that is not maintained in accordance with this Article. In addition, the following inspections will be made:

(1) All signs requiring footings must be inspected to ensure that suitable footings, as determined by the Building Inspector in accordance with appropriate building codes, have been used. Footing inspections will be required for all ground signs and pylon signs before the sign in installed.

(2) Electrical inspections will be required for any electric sign.

SEC. 13-1-106 PROHIBITED SIGNS.

Signs that are not specifically permitted in this Section are hereby prohibited. Without restricting or limiting the generality of the provisions of the foregoing, the following signs are specifically prohibited:

(a) **Balcony Signs**. Balcony signs and signs mounted or supported on a balcony.

(b) **Obstructing Signs**. Any sign that obstructs any part of a doorway or fire escape.

(c) **Exterior Signs**. Signs, including those intended for viewing only from the interior of a building but which can reasonably be viewed from the exterior of the buildings, which by reason of position, shape, wording, color, or any other characteristic would interfere with the proper function of a traffic sign or signal, or otherwise constitute a traffic or safety hazard.

(d) **Signs within the Public Right**-of-Way or Public Easement.

(e) **Flags or Whirling Devices**.

(f) **Signs on Glass Doors**. Signs on glass doors which total sign surface area exceed twenty percent (20%) of the glass area of the door. The sign surface area of nameplates and address identifications and pedestrian directives such as "pull", "push"," entrance", "exit", "use other door", "caution", and other instructions shall be included with the sign surface area of all other signs on a glass door for the purpose of determining the total sign surface area of such door.

(g) **Signs near Lots**. Signs other than wall signs which have any surface area or structural member closer than ten (10) feet to a side lot line.

(h) **Signs near Property Lines**. Signs which project beyond the property line of the property upon which the sign is located.

(i) **Signs near Roofs**. Signs projecting more than five (5) feet above the roof line of the structure to which it is affixed.

(j) **Advertising Signs**. Signs intended to be for the purpose of advertising in R-1, R-1A, R-2, R-3 and R-4 Zoning Districts, including those intended for viewing only from the interior of a building but which can reasonably be viewed from the exterior of the building.

(k) **Signs on Walls**. Wall signs having a sign surface area exceeding fifteen percent (15%) of the area of the wall surface to which it is affixed.
(l) **Projecting Signs**. Signs constructed so that the message or communication is not flat against the sign structure.
(m) **Signs Affixed to Utility poles and Fences**.
(n) **Emitting Signs**. Signs which emit sound, odor or visible matter.
(o) **Animated Signs**.
(p) **Flashing Signs**. Flashing signs except any portion giving time, temperature or weather.
(q) **Signs Attached to a Vehicle**. Vehicles with incorporated or attached signage parked primarily for use as a sign shall not be parked in any zone for more than seventy-two (72) hours.
(r) **Billboards**.
(s) **Signs on Bus Shelters**. All types of signs except for bus schedules and identification information.

SEC. 13-1-107 SIGNS REQUIRING NO PERMITS.

Signs described in this Section, if they meet all other requirements of this Article, may be erected without a sign permit:

(a) **Political Signs.** All political signs of any size may be posted from August 1 in a state general election year until ten (10) days following the state general election. For a Village general election, which is the first Tuesday after the first Monday in November of odd-numbered years, all political signs of any size may be posted four (4) weeks prior to a Village election until five (5) days following the Village election. For an independent school district general election, which is the first Tuesday after the first Monday in November of odd-numbered years, all political signs of any size may be posted four (4) weeks prior to a school election until five (5) days following the election. Political signs are not allowed within fifteen (15) feet from the curb.
(b) **Directional Signs.** Directional signs having a surface area not greater than five (5) square feet.
(c) **Construction Signs.** Signs denoting the architect, engineer, or contractor, when placed upon work under construction, provided that the total sign surface area of all such signs does not exceed the greater of twelve (12) square feet or a ratio of one (1) square foot of sign surface per one hundred (100) square feet of floor space in the construction project, up to a maximum of thirty-two (32) square feet.
(d) **Memorial Signs.** Memorial signs or tablets, or names of buildings and date of erection when cut into a masonry surface or constructed of metal or stone and attached to the building, not exceeding a sign surface area of four (4) square feet.
(e) **Identification Signs.** One (1) identification sign per residential dwelling unit, which sign shall not exceed a sign surface area of four (4) square feet per surface and shall have no more than two (2) sign surfaces, and one (1) address sign on the curb in front of each dwelling unit.
(f) **Freestanding Signs.** Freestanding signs for garage sales or similar events occurring within the corporate limits of the Village, not exceeding four (4) occurring within the corporate limits of the Village, not exceeding four (4) square feet in sign surface area, erected on private property with permission of the land owner, and displayed for not more than three (3) consecutive days.
(g) **Window Signs.** Temporary or permanent window signs duly authorized by zoning and other laws of this Village, provided that all such signs on a frontage shall not have a total sign surface area greater than fifty percent (50%) of the glass area, excluding doors, on such frontage and provided that a minimum on one-half (1/2) of the open window space must be below a horizontal line which is five (5) feet above the interior floor of the commercial establishment. Merchandise displays in windows

shall not be considered a part of the sign area if such display is not intended to be continued for a period of more than eight (8) weeks.

(h) **On-Site Temporary Subdivision Signs**. One (1) on-site temporary sign advertising a group of lots for sale within a subdivision or group of houses for sale within a housing project, provided that the total area of such sign shall not exceed sixty-four (64) square feet with no single dimension in excess of sixteen (16) feet. The display of such sign shall be limited to a six (6) month period. At the expiration of such period, the applicant may request a further extension of time; otherwise, the sign must be removed.

(i) **Temporary Signs, other than Political Signs.** Temporary signs, other than political signs, pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided permission of the Village Board must be obtained to erect such signs upon or over public property and provided further that such signs shall not be erected or posted for a period of more than fourteen (14) days prior to the date of the event and must be removed within three (3) days after the event. If prior permission is not obtained from the Building Inspector, the sign shall be removed immediately.

(j) **Temporary Commercial Signs.** Signs which do not have a sign surface area in excess of thirty-two (32) square feet and which are erected or displayed for a period of time not to exceed thirty (30) days in any year. Permission of the Building Inspector must be obtained to erect such signs. If prior permission is not obtained from the Building Inspector, the sign must be removed immediately.

(k) **Flags and Emblems.** Flags and emblems of governmental, civic, philanthropic, educational or religious organizations. Flags of the United States, the state, the city, foreign nationals having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body or competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole, the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a temporary sign and shall be subject to regulation as such.

(l) **Residential Real Estate Signs.** Real estate signs provided the combined sign surface area of such is not greater than six (6) square feet. Real estate signs must be removed within seven (7) days after the closing date.

(m) **Commercial Real Estate Signs.** Real estate signs erected on private property provided the combined sign surface area is not greater than thirty-two (32) square feet. Real estate signs must be removed within seven (7) days after the closing date.

(n) **Signs Affixed on Benches at Public Bus Stops.**

(o) **Replacement of Existing Business Identification Signs**. A business identification sign designed to replace an existing business identification sign which lawfully exists under this Code, so long as the new sign has the same dimensions and is in the same location as the existing sign, and is not a prohibited sign under Section 13-1-106.

SEC. 13-1-108 SIGNS REQUIRING PERMITS.

(a) **Permits Required**. No person shall erect, place, rebuild, alter or move a sign, other than those described and permitted in Section 13-1-107.

(b) **Permit Fees**. A sign permit fee must be paid in accordance with the Village Rate Schedule.

(c) **Application for Permit**. Every application for a sign permit must be accompanied by a sign plan fee in the amount stated in the Village Rate Schedule and a plan drawn to scale and including:

(1) The dimensions of the sign and, where applicable the dimensions of the wall surface of the building to which it is to be attached.
(2) The maximum and minimum height of the sign.
(3) The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
(4) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
(5) If the sign is to be illuminated, the technical means by which this is to be accomplished and the hours of illumination.
(6) Where the sign is to be attached to any existing building, a diagram or photograph of the face of the building to which the sign is to be attached.
(7) The name and address of the owner of the sign and the address of the property where the sign is located.
(8) Where a ground level sign is proposed with a berm, a diagram showing grade level and dimensions of the berm.
(9) Where a shopping center's comprehensive sign plan is submitted, the plan must include the location, size, height, color, lighting and orientation of all signs.
(10) Where a ground sign plan is submitted, the plan must include the location of the sign in relation to the lot lines and the building height, including any difference from the established grade, size, color, lighting and hours of illumination.

(d) **Permit Issuance**.
(1) Each application must be reviewed for compliance by the Building Inspector or the Building Inspector's designee.
(2) If the proposed sign complies with this Article, a permit will be issued within thirty (30) days after the application date.
(3) A sign permit will become null and void if the work for which the permit was issued has not been completed within one (1) year of its issuance, or renewed. Application for renewal will consist of the same procedures as the initial application for permit, including payment of any fee.

(e) **Shopping Centers/Strip Mall Comprehensive Sign Plan.** A comprehensive plan must be provided for the whole of a shopping center development. This plan includes the location, size, height, color, lighting and orientation of all signs, and must be submitted for preliminary plan approval. When a comprehensive plan is presented, exceptions to the regulations of this Article may be permitted if the sign areas and densities for the plan as a whole are in conformity with the intent of this Article and if such exception results in an improved relationship between the various parts of the plan as determined by the Village Board. Comprehensive sign plans will be reviewed by the Village Planning Commission who will forward a recommendation to the Village Board on the appropriateness of the proposed plan.

SEC. 13-1-109 STANDARDS FOR GROUND SIGNS.

Ground signs are permitted in all districts, subject to the following:

(a) **Permit Application.** A permit is applied for in accordance with Section 13-1-108.
(b) **Height.** A sign must not exceed eight (8) feet in height, including pedestal and any berm.
(c) **Surface Area.**
(1) Signs having one (1) copy surface may have up to thirty-four (34) square feet of surface area.

(2) Signs having two (2) or more copy surfaces may have up to sixty-eight (68) square feet for all surfaces.
(3) Buildings with two (2) or more businesses/tenants shall be allowed an additional twelve (12) square feet for two (2) or more copy surfaces, for a total of eight (80) square feet.

(d) **Landscaping**.
(1) Ground signs must be landscaped. Landscaping may consist of shrubs, plants, rocks or other decorative materials located around the pedestal.

(e) **Design and Location.**
(1) Signs must maximize the use of natural materials in construction and should conform to the material design of the principal structure.
(2) Signs must be located at least fifteen (15) feet from any street or other easement.
(3) The pedestal width of a ground sign must be at least equal to the sign width.
(4) The principal structure of a parcel of land will be allowed one (1) ground sign, regardless of the number of tenants in the structure.

SEC. 13-1-110 STANDARDS FOR WALL SIGNS.

The sign surface area of a wall sign may not exceed fifteen percent (15%) of the area of the wall to which it is applied.

SEC. 13-1-111 DISTRICT SCHEDULES.

Signs shall be permitted as set forth in the following provisions:

(a) **Residential Districts**. The following signs are permitted in a residential district:
(1) R-1, R-1A, and R-2 Districts. One (1) identification sign per dwelling unit per right-of-way frontage. Additionally, one (1) address sign on the curb in front of each dwelling unit or on a freestanding mailbox.
(2) R-3 and R-4 Districts. Each multiple dwelling complex [nine (9) or more units] will be allowed one (1) freestanding sign identifying the complex. The sign may not exceed fifty (50) square feet in sign surface area. The sign structure, including the sign surface area, may not exceed one hundred fifty (150) square feet in area. The highest point of the sign may not be more than ten (10) feet above ground level.
(3) Churches. Each church located within the corporate limits of the Village, subject to approval of size, location and type by the Building Inspector, may erect and maintain a maximum of three (3) directional signs on municipal rights-of-way. No church may erect or maintain more than one (1) such sign at any intersection.

(b) **Commercial and Limited Business Districts.** The following signs are allowed in a "B" Service Office Limited Business District and "C" Commercial Districts and may be erected after obtaining a permit and paying a required license fee:
(1) One (1) identification sign per right-of-way frontage per commercial establishment. The sign may have no more than two (2) square feet of surface area per lineal foot of business frontage, up to a maximum of one hundred fifty (150) square feet. The total area of all wall signs affixed to a wall may not exceed fifteen percent (15%) of the total are of that wall.
(2) A gasoline station will be allowed, in addition to all other authorized signs, one (1) pylon sign to identify the gasoline brand. This sign may not exceed thirty (30) feet in height, and must have a minimum clearance of eight (8) feet from the basic grade level to the lowest element of the sign surface and may not exceed one hundred fifty (150) square feet in sign surface area. Such an

establishment will be allowed one (1) price sign for each frontage having a curb cut. Such freestanding sign will be in addition to those signs allowed in Subsection (b) (1).

(3) Upon submittal of a comprehensive sign plan, and subject to approval of the Village Board, a shopping center over seventy-five thousand (75,000) feet may have major anchor/tenant ground sign(s), depending upon the number of major anchors. The total sign area shall not exceed three hundred (300) square feet.

(4) Upon submittal of a comprehensive sign plan, and subject to approval of the Village Board, a shopping center over seventy-five thousand (75,000) square feet may be allowed additional wall signs for commercial establishments that need additional exposure from different vantage points. The number of additional wall signs will not exceed one-half (1/2) the total number of commercial establishments and will be allowed a surface sign are of one-half (1/2) of that which it is allowed.

(5) A commercial establishment located within a shopping center, having no outside frontage, will be allowed a surface sign area of one-half (1/2) of that which it would be allowed if it had outside frontage.

(6) Commercial establishments will be allowed, in addition to all other authorized signs, one (1) historical identification symbol, not exceeding five (5) square feet in sign surface area.

(7) Subject to approval of the Village Board, and as a conditional use, a movie theater may have a marquee. The total sign area for a marquee sign shall not exceed two hundred (200) square feet.

(8) Subject to the approval of the Village Board, and submittal of a comprehensive sign plan, a strip mall under seventy-five thousand (75,000) square feet and a shopping center over seventy-five thousand (75,000) square feet may be allowed a ground sign with a surface sign area not to exceed one hundred fifty (150) square feet.

(9) Upon submittal of a Village Board Comprehensive Sign Plan, and subject to approval of the Village Board, a major anchor/tenants over fifty thousand (50,000) square feet in a shopping center over seventy-five thousand (75,000) square feet may have a wall sign that is up to four (4) times the sign surface area of that which is allowed for other commercial establishments.

(10) Subject to approval of the Building Inspector, a searchlight is permitted for a special event.

(c) **Light Industrial District**. The following signs are permitted in a Light Industrial District and may be erected after obtaining a permit and paying a required license fee:

(1) One (1) business or identification canopy or wall sign per right-of-way frontage as regulated in Subsection Z(b)(1) above and one (1) freestanding sign as regulated and permitted in Section 13-1-109.

(2) In a district zoned for light industrial businesses, signs containing one (1) square foot for every one hundred (100) square feet of ground floor space will be allowed up to a total sign surface area of one hundred fifty (150) square feet.

ARTICLE I

Performance Standards – Industrial Developments

SEC. 13-1-120 ARTICLE INTENT.

It is the intent of this Article to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.

SEC. 13-1-121 NOISE.

(a) At no point on or beyond the boundary of any lot in any industrial district shall the sound pressure level resulting from any use or activity, whether open or closed (except noises not directly under control of the property users, noise resulting from the construction and maintenance of buildings and facilities, include site preparation and the noises of safety signals, warning devices, railroads and airports), exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below.

Octave band, Frequency in Cycles, Per Second	Sound Pressure Levels in Decibels
0-74	79
75-149	74
150-299	66
300-599	59
600-1,199	53
1,200-2,399	47
2,400-4,799	41
4,800 and over	39

(b) Where an industrial district abuts a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

SEC. 13-1-122 VIBRATION.

(a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground-or-structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

SEC. 13-1-123 EXTERNAL LIGHTING.

No direct or reflected glare shall be detectable from any residential district. If such glare is detectable, adequate buffering by fence, hedge or wall shall be constructed to alleviate the condition

SEC. 13-1-124 ODOR.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

SEC. 13-1-125 PARTICULATE EMISSIONS.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

SEC. 13-1-126 VISIBLE EMISSIONS.

No operation or activity shall emit in the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

SEC. 13-1-127 HAZARDOUS POLLUTANTS.

No operation or activity shall emit any hazardous substances in such a quantity concentration or duration as to beinjrio0us to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

SEC. 13-1-128 AND SEC. 13-1-129 RESERVED FOR FUTURE USE.

ARTICLE J

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) (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 safety 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 Milltown, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Building Inspector.

(c) **Definitions.**
   (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus cable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signals receiving antennas, including, without limitation, parabolic 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 Building Inspector. There shall be no permit fee. With such application, there shall be submitted 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 ten (10) feet from any property line.
      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 Building Inspector 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 Building Inspector may require engineering calculations.

(3) Diameter. The diameter of the signal receiving antenna shall not exceed fifteen (15) 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 eighteen (18) feet in height, as measured from the ground to the highest point of the dish.

b. A roof-mounted antenna may not exceed fifteen (15) 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 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 Building Inspector of the date when such placement shall begin and end.

(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 it 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 Regulation. 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 reasonable 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 provision 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 SPECIAL USE PERMITS REQUIRED – WIND ENERGY SYTEMS.

(a) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system without holding the appropriate conditional use permit for said system.

(b) **Separate Permit Required for each System.** A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.

(c) **Basis of Approval.** The Village Board and Plan Commission shall base their determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.

(d) **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 Building Inspector 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) premise, 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 operation characteristics.

(5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and the service areas, driveways, exterior lighting, type of building material, etc., if applicable.
(6) Any other information which the Building Inspector or Village Board may deem to be necessary to the proper review of the application.
(7) The Building Inspector 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 D.

(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) premise, the plat or survey shall show all properties to be served and the means of connection to the wild 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 system 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 13-1-139 RESERVED FOR FUTURE USE.

ARTICLE K

Accessory Uses and Structures; Fences and Hedges

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 or with the following exception:
   (1) Accessory structures, playgrounds, and similar uses that occupy no greater than a 240 square foot area, are movable, and not permanently affixed to the ground on a vacant site, are permitted and must meet the minimum required setbacks for an accessory structure.

(b) **Placement Restrictions – Residential District**. An accessory use or structure in a residential district may be established subject to the following regulations:
   (1) Accessory Building Number Limits. In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) additional accessory building may be placed on a lot.
   (2) Attached Accessory Buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
   (3) Detached Accessory Buildings. No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty percent (30%) of the required rear yard or be located within three (3) feet of any other accessory building or lot line. Larger accessory use buildings may be permitted following issuance of a conditional use permit. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations in regard to one (1) hour fire-resistive construction are complied with. In no event can the accessory uses or structures be forward of the front line of the principal structure.

(c) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit.

(d) **Placement Restrictions – Nonresidential Districts**. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than three (3) feet to any side or rear lot line.

(e) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.

(f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.

(g) **Temporary uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.

(h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:

(1) That such private garage shall be located not less than five (5) feet from the front lot line;
(2) That the floor level or 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 six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

SEC. 13-1-141 OUTSIDE STORAGE OF FIREWOOD.

(a) No person shall store firewood in the front yard on residentially zoned property or a commercially zoned property with a residence on the premises, 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 three (3) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.

(d) Woodpiles that contain deceased 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 twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

SEC. 13-1-142 FENCES AND HEDGES.

(a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. 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) Hedge. A row of bushes of small trees planted close together which may form a barrier, enclosure or boundary.
(5) 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) **Height of Fences Regulated**.
(1) Except for swimming pool fences, a fence, wall, hedge or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto pursuant to Subsection (d) to a height not exceeding six and one-half (6 1/2) feet above the ground level, except that no such fence, wall, hedge or shrubbery 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, wall, hedge or shrubbery along such lot line.
(2) In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

(d) **Setback for Residential Fences.** Fences in or adjacent to a residential property may be constructed on lot lines.

(e) **Security Fences.** Security fences are permitted on the property liens in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) **Prohibited Fences.** No fence shall be constructed which is of a dangerous type of construction or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices, securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

(g) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(h) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

(i) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but no alteration, modification or improvement of said fence shall comply with this Section.

(j) Exceptions to the fence regulations as they pertain to height, setback for residential fences, and security fences, as set forth in Sections 13-1-142 (c), (d), and (e) may be granted through a conditional use permit.

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 ½) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it,

and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(b) **Exempt Pools**. Storable children's swimming or wading pools, with a 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) **Permit Required**. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. A fee of ten dollars ($10.00) shall accompany such application.

(d) **Construction Requirements.** In addition to such other requirements as may be reasonable imposed by the Building Inspector, the Buildings Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

(1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and 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 or 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.

(e) **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.

(f) **Fence.**

(1) Pools 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. Gates or doors shall be kept locked while the pool is not in actual use.

(2) 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 the sidewalks are a minimum of forty-eight (48) inches in height and entry is restricted by use of a retractable ladder.

(g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool.

SEC. 13-1-144 THROUGH SEC 13-1-149 RESERVED FOR FUTURE USE.

ARTICLE L

Mobile Homes

SEC. 13-1-150 INTENT – WHERE MOBILE HOME DISTRICTS PERMITTED.

(a) Residential-Mobile Home (R-MH) Zoning Districts may hereafter be established by amendments to the official zoning map in accordance with the procedures, requirements and limitations set forth in this Article. Within such districts mobile homes and manufactured 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) The procedure for creation of an **R-MH** District shall be as prescribed in Article N of this Chapter, except that the standards and conditions in Section 13-1-66 and 13-1-69 shall be followed.

SEC. 13-1-151 DEFINITIONS.

The following definitions are used in this Article:
(a) **Unit.** Any mobile home unit.
(b) **Manufactured Homes.** A structure or structures certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD standards), is used as a permanent dwelling, is installed in accordance with the manufacturer's instructions, properly connected to utilities and meets the criteria established in this title.
(c) **Mobile Home Park.** Any park, camp, court, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or locations or accommodations for two (2) or more mobile homes and/or manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection and sale.
(d) **Space.** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home unit.
(e) **Person.** An individual, partnership, firm, corporation, association, trust, whether owner, lessee, licensee or their agent, heir or assignee.
(f) **Dependent Mobile Home.** A mobile home which does not have complete bathroom facilities.
(g) **Licensee or Operator.** Any person licensed to operate and maintain a mobile home park under this Article.
(h) **Licensing Authority.** The Village of Milltown.
(i) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the Village Subdivision Ordinance and comprehensive plan, designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
(j) **Residential Mobile Home.** A single-family dwelling built on or before June 15, 1976 designed to be towed or transported and used as a residential dwelling, but does not include a "manufactured home". "Mobile Home" also means any coach, cabin, trailer, house car or other structure which is, or was s originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of

being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexes and appurtenances thereto.

(k) **Statutory Definitions.** In addition to the above definitions, definitions contained in Sec. 66.058 of the Wisconsin Statutes shall also be applicable.

SEC. 13-1-152 PERMITTED AND PERMISSIBLE USES AND STRUCTURES.

The following principal uses and structures are permitted within R-MH Districts:

(a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home park 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.

(c) **Rental.** No mobile home park site shall be rented for a period of less than thirty (30) days.

SEC. 13-1-154 MOBILE HOME PARK LICENSE AND APPLICATION.

(a) It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the limits of the Village of Milltown without first having obtained a license for each such mobile home park from the Village Board pursuant to this Article. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Article for additional periods of one (1) year.

(b) The application for such license or the renewal shall be accompanied by a fee of two dollars ($2.00) for each space in the existing or proposed mobile home park, provided that the minimum fee shall not be less than twenty-five dollars ($25.00), and a surety bond in the amount of five thousand dollars ($5,000.00), which shall guarantee:

  (1) The collection by the licensee of the monthly parking permit fee provided for in Title 7 of this Code of Ordinances and the payment of such fees to the Village Clerk-Treasurer.

  (2) The payment by the licensee of any fine or forfeiture, including legal costs imposed upon or levied against said licensee for a violation of the ordinances of the said Village pursuant to which said license is granted, and shall also be for the use and benefit, and may be prosecuted and recovery had thereon, by any person who may be injured or damaged by reason of the licensee violating the provisions of this Article.

(c) The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk-Treasurer and shall include the name and address of the owner in fee of the lands upon which said mobile home park is to be located (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and to apply for a license), and the location and legal description of the premises upon which the mobile home park is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the complete mobile home park plan showing the following, either existing or as proposed: (1) the extent and area used for mobile park purposes; (2) roadways and driveways; (3) location of space for mobile homes; (4) location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of spaces; (5) method and plan of sewage disposal; (6) method and plan of garbage removal; (7) plan for water supply; (8) plan for lighting of

spaces; (9) plan for rubbish disposal; (10) all other matters required of this Chapter. If the existing or proposed mobile home park is designed to serve non-dependent mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

(d) Every licensee shall furnish the Village Clerk-Treasurer and Village Assessor with information on mobile homes added to the mobile home park within five (5) days after their arrival on forms prescribed by the Department of Revenue.

SEC. 13-1-155 INSPECTION AND ENFORCEMENT.

No mobile home park license shall be issued until the Village Clerk-Treasurer shall notify the Village Board and Building Inspector, and the Village Board or its designee shall have inspected each application and the premises on which mobile homes will be located to ensure compliance with the regulations, ordinances and laws applicable thereto. No licensee will be renewed without a re-inspection of the premises. For the purposes of making inspections and securing the enforcement of this Chapter, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

SEC. 13-1-156 MOBILE HOME PARKS.

(a) Each mobile home park shall contain at least three (3) acres. No more than eight (8) mobile home spaces or camp sites shall be allowed per acre of land in the park. The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of the mobile home space (including any awnings, carports, vehicles or attachments thereto). Each mobile home space shall be landscaped in accordance with the plans approved by the Village Board. The mobile home park shall be so arranged that all spaces shall face or abut on an approved public roadway giving easy access thereto. Each space shall have ten (10) feet by twenty (20) feet paved off-street parking space for an automobile with a twenty (20) foot wide driveway. The yard shall be landscaped except for necessary driveway and sidewalk needs, which shall not exceed one-half (1/2) the width of the space. Temporary storage shall not be allowed on lawn areas.

(b) Roadways shall be at least sixty-six (66) feet in width and shall be paved to Village specifications. There shall be a concrete sidewalk along both sides of the roads, access drives off roads to all parking spaces, and mobile home spaces shall be paved.

(c)

(1) 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

(2) Each mobile home park shall maintain paved off-street parking lots for guests of occupants in the amount of one (1) parking space for each mobile home space. Such parking shall be located within three hundred (300) feet of the mobile homes to be served.

(d) Each space shall be properly landscaped with at least one (1) tree, hedge, grass, fence, windbreak and the like. All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than

six (6) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.

(e)

(1) No mobile home shall be parked closer than ten (10) feet to the side lot lines nor closer than twenty (20) feet to the front lot line or within twenty-five (25) feet of the rear lot line.

(2) In the Bering Court, mobile home area, no mobile home shall be parked closer than five (5) feet to the side lot lines. The garage shall not be closer than three (3) feet to the side lot line and the mobile home shall not be closer than twelve (12) feet to the front lot line.

(f) There shall be an open space of at least twenty (20) feet between the sides of adjacent mobile homes. Automobiles may park no closer than five (5) feet to the side of any mobile home; automobiles shall not, however, be parked nearer than five (5) feet to any side lot line.

(g) No tents shall be erected or occupied on any space, and there shall be no outdoor camping anywhere in the mobile home park.

(h) All non-dependent units must be connected to public water and sanitary sewer systems, and plans for disposal of surface storm water shall be approved by the Village Board.

(i) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse with not less than sixty (60) amperes capacity and a heavy-duty outlet receptacle. All utility lines shall be placed underground.

(j) No mobile home shall be parked in a mobile home park outside of a designated space therein.

(k) Each mobile home space shall contain a paved area upon which said mobile home is to be placed. Said paved area shall be at least as large as the mobile home which is to be placed thereon.

(l) The mobile home park shall be so arranged that no dependent unit shall be located further than two hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be paved and well lighted.

(m) The mobile home park shall contain a recreation area. The recreation area shall be a minimum of one-half (1/2) acre for each one hundred (100) sites. The minimum recreation area in a mobile home park shall be one-half (1/2) acre.

(n) No additions shall be built onto any mobile home other than a porch or entryway which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home.

SEC. 13-1-157 WATER SUPPLY.

(a) An adequate supply of pure water furnished through a pipe distribution system connected directly with the public water main with supply faucets located not more than two hundred (200) feet from any dependent mobile home shall be furnished for drinking and domestic service in all mobile home parks.

(b) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such mobile home. Such system shall be adequate to provide twenty (20) pounds per square inch pressure and capable of furnishing a minimum of one hundred twenty-five (125) gallons of water per day per space.

(c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.

(d) Every mobile home park servicing dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

SEC. 13-1-158 SERVICE BUILDINGS AND ACCOMMODATIONS.

(a) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this Article and by the State of Wisconsin Administrative Code, such buildings to be known as service buildings. Service buildings shall be located no more than two hundred (200) feet from any mobile home space. Such service buildings shall be of permanent construction and adequately lighted, screened and ventilated.
(b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one (1) toilet for each six (6) dependent units or fraction thereof and shall have separate compartments. Every male toilet room shall contain one (1) urinal for each sixteen (16) dependent units, but in no case shall any male toilet be without one (1) urinal. Toilet rooms shall contain lavatories with hot and cold running water in the ration of one (1) lavatory for each two (2) water closets.
(c) Separate bathing facilities for each sex shall be provided with one (1) shower enclosed in a compartment at least four (4) feet square in size for each six (6) dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment which shall be at least sixteen (160 square feet in size.
(d) Laundry facilities shall be provided on the ratio of one (1) double tray unit and one (1) conventional type washing machine or one (1) automatic washing machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.
(e) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one (1) slop sink for each sixteen (16) dependent units.
(f) Floors of toilets, showers and the laundry shall be concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

SEC. 13-1-59WASTE AND GARGABE DISPOSAL.

(a) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system.
(b) Every space designed to serve a non-dependent unit shall be provided with sewer connections with shall comply with all applicable state plumbing codes. The sewer connections shall be provided with suitable fitting so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
(c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
(d) Each faucet shall be equipped with facilities for drainage of waste and excess water.
(e) Every mobile home unit shall be provided with a substantial fly-tight, watertight, leak-proof, non-absorbent metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the park custodian at least twice weekly between May 1 and October 15, and otherwise weekly. Garbage depositories shall be washed each time they are emptied unless a single-service sanitary, removable waterproof liner is used.

SEC. 13-1-160 NUMBER OF SPACES.

There shall be at least ten (10) spaces in each mobile home park and no more than one hundred (100) spaces; all requirements of this Article for the issuance of a license shall be complied with prior to the issuance of such license and proper rezoning as to each of the available spaces designed into said mobile home park. All accommodations required by this Article shall be based upon the total park capacity according to the accepted plans.

SEC. 13-1-161 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 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 and violations of this Chapter or any other violations of law which may come to their attention.

(3) Report to Village authorities 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 tie-downs.

(5) Maintain Park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(6) Maintain the park free from growth of noxious weeds.

(7) Maintain the park free of litter, rubbish and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.

(8) Check to ensure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, water-tight, rodent proof container for the deposit of garbage and refuse in accordance with the Ordinances of the Village. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.

(9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of

Wisconsin and the Ordinances and regulations of the Village, including regulations promulgated by the health officer and the Fire Chief.

(10) Collect a security deposit equal to three (3) months' parking fee for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Village Clerk-Treasurer.

(11) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees as provided by Section 13-1-163(b) of this Chapter.

SEC. 13-1-162 RESPONSIBILITES 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 there-under.

(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. 13-1-163 ADDITIONAL REGULATRIOSN 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 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 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) The Building Inspector, Fire Chief or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Village as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and Ordinances of the Village.
(c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
(d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents.
(e) All mobile homes in mobile home parks shall be skirted unless the unit is placed within one (1) foot vertically of the stand with soil or other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
(f) No person shall construct, alter or add to any structure, attachment or building in a mobile home park or on a mobile home space without a permit from the 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 setbacks, side yard and rear yard requirements for mobile home units.
(g) Storage under mobile homes is prohibited.

SEC. 13-1-164 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. 13-1-165 LIMITATIONS ON SIGNS.

In connection with Mobile Home Communities within the R-MH District, no sign intended to be read from any public way adjoining the district shall be permitted except:
(a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
(b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating “Vacancy” or “No Vacancy”, may be erected at each principal entrance.
(c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.

(d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

SEC. 13-1-166 COMMON RECREATIONAL FACILITIES.

(a) No less than ten percent (10%) of the total area of any mobile home community established under this regulation shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
(b) To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installations of utilities.
(c) Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

SEC. 13-1-167 STANDARDS FOR GENERAL SITE PLANNING FOR MOBILE HOME COMMUNITIES.

The following guides, standards and requirements shall apply in site planning for mobile home park 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 po0ints. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
(c) **Protection of Visibility – Automotive Traffic, Cyclists and Pedestrians.** At intersections of any streets, public or private, the provisions of Section 13-1-90 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty-five (25) feet from said access measured at right angles to the path.
(d) **Exterior Yards for Mobile Home Communities; Minimum Requirements; Occupancy**. The following requirements and limitations shall apply to yards at the out edges of mobile home communities:

(1) Along Public Streets. Where R-MH communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.

(2) At Edges of R-MH Districts (Other Than at Streets or Alleys). Where R-MH communities are so located that one (1) or more boundaries are at the edges of R-MH districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.

(e) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.

(f) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Communities**. Along the edges of mobile home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community.

(g) **Internal Relationships**. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features, In particular:

(1) Streets, Drives and Parking and Service Areas. Streets drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum of 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 general 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 contracts with normal automotive traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway stem. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

SEC. 13-1-168 AND SEC. 13-1-169 RESERVED FOR FUTURE USE.

ARTICLE M

Administration

SEC. 13-1-170 GENERAL ADMINISTRATIVE SYSTEM.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses; changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-171 ZONING ADMINISTRATOR.

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

(a) Maintain records of all permits issued, inspections made, work approved and other official actions.
(b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood land districts.
(c) Establish that all necessary permits that are required for flood land uses by state and federal law have been secured.
(d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
(e) Investigate all complaints made relating to the location of structures and the use of structures, land and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
(f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
(g) Request assistance and cooperation from the Police Department, Village Clerk-Treasurer, Building Inspector and Village Attorney as deemed necessary.

SEC. 13-1-172 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.

(a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written

recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.

(b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and 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 flood land zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.

(c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article O of this Chapter for detail provisions.

SEC. 13-1-173 CERTIFICATE OF COMPLIANCE REQUIRED.

(a) **Certificate Required**. NO vacant land hereafter developed; no buildings hereafter erected, relocated, moved, reconstructed or structurally altered; and no flood lands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premises or use is in conformity with the provisions of this Chapter.

(b) **Application for Certificate of Compliance**.

(1) Applications for a certificate of compliance shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:

a. Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.

b. 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.

c. Additional information as may be required by the Zoning Administrator or the Plan Commission and Village Board (if involved).

(2) Application for a certificate of compliance in the flood land districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the flood land regulations set forth in this Chapter; before certificate shall issue, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.

(c) **Existing Uses**. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

(d) **Nonconforming Uses**.

(1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.

(2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

SEC. 13-1-174 SITE PLAN APPROVAL.

(a) **Site Plan Approval.** All applications for Zoning Permits for any new nonresidential development, or additions to an existing principal structure, on which the added new gross floor area exceeds 5,000 square feet, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.

(b) **Application.** The applicant shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

(c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission prior to the next Plan Commission meeting. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Village Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within sixty (60) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit.

(d) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:

(1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

(2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or user as to minimize any traffic hazard created thereby.

(3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.

(4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.

(e) **Effect on Municipal Serves.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such ad advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

SEC. 13-1-175 OFFICIAL MAP.

(a) **Purpose**. Pursuant to Sec. 62.23(6), Wis. Stats., the official map of the Village is established to provide for the orderly, safe and economical expansion of the built-up area of the community be designating the location and extent of existing and proposed streets, highways and parks; to ensure proper legal descriptions and monumenting of land; to facilitate adequate provision for

transportation, parks, playgrounds and storm water drainage; and to facilitate further subdivision of larger tracts into smaller parcels of land.

(b) **Effect.** The official map shall be final and conclusive with respect to the location and extent of streets, highways and parks shown on the map. The Village Board may change or add to the map if it is determined to be in the public interest. Changes or additions shall be made in accordance with procedures in Sec. 62.23, Wis. Stats. The placing of proposed streets, highways or parks upon the official map shall not constitute or be deemed to constitute the opening or establishment of such streets, highways or parks, or the taking or acceptance of any land for such purposes.

(c) **Subdivision Plats and Building Permits.** The Plan Commission shall require that all subdivision plats conform to the official map. All streets within recorded part of the official map. No building permit shall be issued for any structure in the bed of any street or highway shown on the official map, and no permit for the erection of any structure shall be issued unless a street or highway giving access to the structure has been duly placed on such map, except as provided in Sec. 62.23, Wis. Stats. The Building Inspector shall require each applicant to submit a plot plan (unless the site is a lot in a recorded subdivision or certified survey plat), certified by a registered surveyor, showing accurately the location of any proposed building with reference to adjacent streets, highways or parks shown on the official map.

(d) **Appeals.** The Board of Zoning Appeals shall have the power to grant relief from the requirements of this Section in accordance with the provisions of Sec. 62.23(6)(d), (f) and (g), Wis. Stats.

SEC. 13-1-176 VIOLATIONS AND PENALTIES.

(a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission 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 fourteen (14) 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. 13-1-177 THROUGH SEC. 13-1-179 RESERVED FOR FUTURE USE.

ARTICLE N

Changes and Amendments to the Zoning Code

SEC. 13-1-180 AUTHORITY.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Flood Land 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 and recommendations of the Plan Commission.

SEC. 13-1-181 INTIATION OF CHANGES OR AMENDMENTS.

The Village Board, the Plan Commission, 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 Flood Land Zoning Map to be made a part of this Chapter by reference.

SEC. 13-1-182 PROCEDURE FOR CHANGES OR AMENDMENTS.

(a) **Application**. Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
   (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
   (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
   (3) Together with additional information as may be required by the Plan Commission or Village Board.

(b) **Recommendations.** The Village Board or the Village Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).

(c) **Hearings.**
   (1) The Village Board, following receipt-t of recommendation of the Plan Commission, shall hold a public hearing at a time established by the Plan Commission 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. The notice shall include either a map showing the property affected by the change to the district boundary and map and regulations, or a description of the property affected by the plan and regulations and a statement that a map may be obtained from the Village Board. 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 to the district boundaries and map, or amendments to the text regulations, and any property owner within one hundred (100) feet change to the district boundaries and map. The Village shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed ordinance amendment to the Zoning Code and will distribute public hearing notices of such proposed ordinance amendments that affects the allowable use of the person's property. Annually, the Village shall inform residents of the political subdivision that they may add their names to the list. This may be accomplished by any of the following means: publishing a 1st class notice under ch. 985; publishing on the political subdivision's internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. The notice shall be by mail or in any reasonable form that is agreed to by the person and the political subdivision, including electronic mail, voice mail, or text message. An ordinance or amendment that is subject to this subdivision may take effect even if the Village fails to send the notice that is required by this subdivision.

(2) The Village Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.

(d) **Village Board's Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.

SEC. 13-1-183 PROTEST.

With the repeal of Sec. 62.23(7)(d)2m.a, Wis. Stats.,[effective January 1, 2015] zoning statutory protests are no longer permitted. Per Sec. 66.10015(3)(a), Wis. Stats., any Zoning Code amendment only requires approval by a simple majority of a quorum of the members-elect of the Village Board. However, a two-thirds vote remains required for a down zoning ordinance per Sec. 66.10015(3)(b), Wis. Stats., and for a zoning amendment when an airport protest petition if filed with the Village under Sec. 62.23(7)(d)2m, Wis. Stats.

SEC. 13-1-184 THROUGH SEC. 13-1-189 RESERVED FOR FUTURE USE.

ARTICLE O

Appeals

SEC. 13-1-190 APPEALS TO THE ZONING BOARD OF APPEALS.

(a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board of 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 judgement 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 Ordinance, 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 Plan Commission 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 Plan Commission 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 Plan Commission 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 Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

(7) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

SEC. 13-1-191 HEARING ON APPEALS.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant And the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

SEC. 13-1-192 DECISIONS OF BOARD OF APPEALS.

(a) **Timeframe**. The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
(b) **Conditions**. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
(c) **Validity**. Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

SEC. 13-1-193 VARIATIONS.

(a) **Purpose.**
  (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
  (2) The Board of Appeals 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 that 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 Variance.** 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 Plan Commission, Village Engineer, Board of Zoning Appeals or Zoning Administrator.

(6) Fee receipt in the amount of twenty-five dollars ($25.00).

(c) **Public Hearing of Application**. The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (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 Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator, Plan Commission and Village Board.

(d) **Action of the Board of Appeals.** For the Board to grant a variance, it must find that:

(1) Denial of variation may result in hardship to the property owner due to physiographical 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 a substantial property rights possessed by other properties in the same district and same vicinity.

(3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

(4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

(5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.

(e) **Conditions.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

SEC. 13-1-194 REVIEW BY COURT OF RECORD.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

SEC. 13-1-195 THROUGH SEC. 13-1-199 RESERVED FOR FUTURE USE.

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.

(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) Barndominium. Also known as a "barndo" or "barn home", is either a barn converted into a residential dwelling, or a new barn style structure, utilizing post-frame construction, usually with a metal shell and primarily used as a residential dwelling, which may also contain within its footprint large shop and/or storage (garage) areas.

(9) 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 defines as basement space.

(10) Block. A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

(11) 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.

(12) Buildable Lot Ar3ea. The portion of a lot remaining after required yards have been provided.

(13) 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.

(14)Building, Detached. A building surrounded by open space on the same lot.
(15)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.
(16)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.
(17)Building, Principal. A building in which the principal use of the lot on which it is located is conducted.
(18)Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
(19)Channel. Those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
(20)Civic and Cultural Facilities. Public or quasi-public land uses that includes government buildings, public safety facilities, and cultural institutions. These uses provide governmental, administrative, cultural, educational, or community-serving functions for the general public. Civic and cultural facilities include village halls, city halls, police stations, fire stations, government offices, libraries, public museums, civic centers, and similar facilities operated by, or in partnership with governmental or nonprofit entities.
(21)Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State States: 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 Section 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. Included in this definition are other like facilities that do not require state licensing such as for a domestic abuse shelter.
(22)Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
(23)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.
(24)Conservation Standards. Guidelines and specifications for soil and water conservation practices and managements enumerated in the Technical Guide, 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 stricter 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, Duplex. A housing configuration that allows for two separate residential units within one structure on the same lot.

(31) Dwelling Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

(32) Dwelling, Single-Family. A detached building designed for or occupied by one (1) family.

(33) Dwelling, Twin-Home. These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on separate lots, but connected by a common or party wall, and the separate lots may also be referred to as zero lot line lots. The twin-home is distinguished from the duplex by having each unit located on an individual lot or within a group development.

(34) Dwelling, Two-Family. A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

(35) 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.

(36) 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 encroachments.

(37) 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, drain, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signs, pumps, lift stations and hydrants, but not including buildings.

(38) Family. One (1) or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one (1) dwelling unity 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, lay brothers, 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 LaSallette vs. Village of Whitefish Bay Board of Zoning Appeals, 267 Wis. 609, which is hereby incorporated by reference.

(39) Farmstead. A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

(40) 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 steam channel or lake bed.

(41)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.

(42)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.

(43)Flood Protection Elevation. A point tow (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard", in 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.

(44)Flood Stage. The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Flood Land Zoning Map.

(45)Flood Lands. For the purpose of this Code, the flood lands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the flood lands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.

(46)Floodplain Fringe. Those flood lands, 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.

(47)Flood Proofing. 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; under-pinning 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; water-proofing, 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. Flood proofing of structures shall be extended at least to a point tow (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.

(48)Floodway. A designated portion of the 100-year flood area that will safety 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.

(49)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 aby 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.

(50)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.

(51)Frontage. All the property butting on one (1) side of a street between tow (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.

(52)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.

(53)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.

(54)Group Daycare Facility. A facility where qualified persons provide childcare services for 9 or more children. Such land uses may include outdoor playgrounds and play areas which may be located within the zoning district required rear or side yard setbacks.

(55)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.

(56)Home Occupation. Any business of profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto, in connection with which there are no signs or exterior display or storage other than a sign permitted by this Chapter, and no activity that will indicate from the exterior that the buildings(s) is being used in whole or in part for any purpose other than that of a dwelling. The use is to be clearly incidental to the use of the dwelling unity 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 business such as a shop, store or child nursery shall be conducted upon the premises. 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.

(57)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.

(58)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.

(59)Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.

(60)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.

(61)Lot, Corner. A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angel of less than 135 degrees. The point of intersection of the street lines is the "corner." On a corner lot, the shorter street line shall typically be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building and the longer street line shall typically be deemed the street side lot line. For existing development where the standard front or rear yards do not meet the required setbacks, alternative front yards, street side yards, or rear yards may be considered provided they meet the required setbacks.

(62)Lot Line, Front. The lot line that abuts a public or private street. If a lot abuts more than one street (a corner lot), the front lot line is usually the one with the shortest street frontage, unless otherwise specified in the Zoning Code (see Lot, Corner).

(63)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.

(64)Lot Line, Rear. The lot line that is opposite and most distant from the front lot line. On irregularly shaped lots, the rear lot line may be defined as a line most distant that is most nearly parallel to the front lot line.

(65)Lot Line, Side. The lot lines that connect the front and rear lot lines. These are typically the interior lot lines that do not abut a street.

(66)Lot Line, Side Street. The lot lines that connect the front and rear lot lines along a street. If a lot abuts more than one street (a corner lot), the street side lot line is usually the one with the longest street frontage, unless otherwise specified in the Zoning Code.

(67)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 lines.

(68)Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(69)Lot Width. The horizontal distance between the side lot lines measured at the building setback line.

(70)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.

(71)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.

(72)Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(73)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.

(74)Mobile Home Subdivision. A land subdivision, as defined by Chapter 236 of the Wisconsin Statues and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual home sites are in separate ownership as opposed to the rental arrangements in mobile home parks.

(75)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, education or industrial purposes.

(76)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.

(77)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.

(78)Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.

(79)Parking Space. A graded and surfaced area of not less than one hundred eight (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.

(80)Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

(81)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.

(82)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.

(83)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.

(84)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.

(85)Retail. The sale of goods or merchandise in small quantities to the consumer.

(86)Setback. The minimum horizontal distance between the front lot 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)Shouse. Typically identified as a shop + house or a shed + house type of structure primarily used as a residential dwelling, utilizing wooden or metal poles and wooden or metal trusses for support. This definition includes, but is not limited to, "pole barn," "metal-clad building," "barndominium," "barn home," and "post-frame".

(88)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.

(89)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.

(90)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.

(91)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.

(92)Street. Property other than an alley or private thoroughfare or travel way 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.

(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.

(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.

(99) Vision 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.

(100) 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.

(101) Yard, Attached Side. The interior lot line that divides the twin home structure into two units.

(102) Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the front street right-of-way line to a depth required in the yard regulations for the district in which the lot is located.

(103) Yard, Street. A yard extending across the full width of the lot, the depth 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 or the distance prescribed in the yard regulations for the district in which the lot is located, whichever is less. Corner lots shall have two (2) street yards.

(104) Yard, Street Side. For corner lots, the area extending between the front lot line and the rear lot line and extending from the side street right-of-way to a depth required in the yard regulations for the district in which the lot is located.

(105) 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.

(106) 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.

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

CHAPTER 1

Subdivision Regulations

Article A Adoption; Introduction

14-1-1 Introduction and Purpose
14-1-2 Abrogation and Greater Restrictions
14-1-3 Interpretation
14-1-4 Severability
14-1-5 Repeal
14-1-6 Title
14-1-7 through
14-1-9 Reserved for Future Use

Article B Definitions

14-1-10 Definitions
14-1-11 through
14-1-19 Reserved for Future Use

Article C General Provisions

14-1-20 General Provisions
14-1-21 Land Suitability
14-1-22 through
14-1-29 Reserved for Future Use

Article D Plat Review and Approval

14-1-30 Preliminary Consultation
14-1-31 Submission of Preliminary Plat
14-1-32 Preliminary Plat Review and Approval
14-1-33 Final Plat Review and Approval
14-1-34 Re-plat
14-1-35 through
14-1-39 Reserved for Future Use

Article E Technical Requirements for Plats and Certified Survey Maps

14-1-40 Technical Requirements for Preliminary Plats

14-1-41 Technical Requirements for Final Plats
14-1-42 Technical Requirements for Certified Survey Land Divisions; Review and Approval
14-1-43 through
14-1-49 Reserved for Future Use

Article F Required Improvements

14-1-50 Improvements Required
14-1-51 Required Agreement Providing for Proper Installation of Improvements
14-1-52 Required Construction Plans; Village Review; Inspections
14-1-53 Street Improvements
14-1-54 Curb and Gutter
14-1-55 Sidewalks
14-1-56 Sanitary Sewerage System
14-1-57 Water Supply Facilities
14-1-58 Storm Water Drainage Facilities
14-1-59 Other Utilities
14-1-60 Erosion Control
14-1-61 Partition Fences
14-1-62 Easements
14-1-63 Improvements Extended to Limit of Parcel
14-1-64 Recreation, Park or Open Areas
14-1-65 through
14-1-69 Reserved for Future Use

Article G Design Standards

14-1-70 General Street Design Standards
14-1-71 Block Design Standards
14-1-72 Lot Design Standards
14-1-73 Drainage System
14-1-74 Non-Residential Subdivisions
14-1-75 Authorizing Street Access of Less than 60 Feet to the Plats of Hasta La Vista, Gandy View Estates and Uptown Estates Subdivisions
14-1-76 through
14-1-79 Reserved for Future Use

Article H Variances; Penalties and Violations

14-1-80 Variances and Exceptions
14-1-81 Enforcement, Penalties and Remedies
14-1-82 through
14-1-89 Reserved for Future Use

Article I Fees

14-1-90 Administrative Fees

ARTICLE A

Adoption; Introduction

SEC. 14-1-1 INTRODUCTION AND PURPOSE.

(a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statues, the Village Board of the Village of Milltown, Wisconsin, 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 of Milltown.
   (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 of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for 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 protecting farming and open spaces, and providing for the most appropriate use of land in the Village of Milltown.

State Law Reference: Chapter 236, Wis. Stats.

SEC. 14-1-2 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

SEC. 14-1-3 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 of Milltown and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statues.

SEC. 14-1-4 SEVERABILITY.

If any section, portion or provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provision or application of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

SEC. 14-1-5 REPEAL.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

SEC. 14-1-6 TITLE.

This Chapter shall be known as, referred to, or cited as the “Village of Milltown” Subdivision Chapter/Ordinance” or “Village of Milltown Land Division and Subdivision Chapter/Ordinance”.

SEC. 14-1-47 THROUGH SEC. 14-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

Definitions

SEC. 14-1-10DEFINITIONS.

(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 fast or 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 Sec. 62.23 of the Wisconsin Statutes.

(6) Comprehensive Development Plan. A comprehensive plan, also called a master 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.

(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.

(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, curb and gutter, 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. Also referred to as a "minor street".

(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, 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)Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street".

(24)Minor Subdivision. The division of land by the owner or sub-divider resulting in the creation of not more than four (4) parcels or building sites.

(25)Owner. Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or Quasi-public Corporation, or combination of these.

(26)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.

(27)Plat. The map, drawing or chart on which the sub-divider's plat of subdivision is presented to the Village for approval.

(28)Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Village Board for their consideration as to compliance with the Comprehensive Development Plan Zoning Code and these regulations along with required supporting data.

(29)Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(30)Re-plat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or out-lot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or out-lot is not a re-plat.

(31)Shoreland. 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.

(32)Sub-divider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision (certified survey map) or re-plat.

(33)Subdivision. The division of a lot, out-lot, 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 on-half (1 1/2) acres or less

in area or where the act of division creates five (5) or more parcels of one and one-half (1 1/2) acres or less by successive division within a period of five (5) years, whether done by the original owner or a successor owner.

(34) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)

(35) 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 Sec. 35.93 and Chapter 227 of the Wisconsin Statues, including subsequent amendments to those rules.

SEC. 14-1-11 THROUGH SEC. 14-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

General Provisions

SEC. 14-1-20 GENERAL PROVISIONS.

(a) **Compliance**. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor land division or a re-plat as defined herein; no such subdivision, minor land division or re-plat, as defined herein, shall be entitled to recording; 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, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85 for minor land divisions and subdivisions not served by public sewer.
   (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which about a state trunk highway or connecting street.
   (4) The rules of the Wisconsin Department of Natural Resources contained in the 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.
   (7) The Village of Milltown Master Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Village.
   (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

(b) **Jurisdiction**. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Milltown and the extraterritorial jurisdiction of the Village. The provisions of this Chapter, as they apply to divisions of tracts the Village. 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.
   (4) Cemetery plats under Sec. 157.07, Wis. Stats.
   (5) Assessors' plats made under Sec. 70.27, Wis. Stats., but such assessors' plats shall comply with Sections 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c), Wis. Stats.

(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) **Building Permits**. The Village of Milltown shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, re-plat or certified survey map originally submitted to the Village of Milltown on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

SEC. 14-1-21 LAND SUITABILITY.

(a) **Suitability**.

(1) No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community.

(2) In addition:

a. No lot served by public sanitary sewer facilities shall have less than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include flood lands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than forty thousand (40,000) square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

b. Lands made, altered or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites which are to be served soil absorption waste disposal systems.

c. Lands made, altered or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sanitary sewage disposal systems.

d. Lands having a slope of twelve percent (12%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.

e. Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

f. Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

g. Lands covered by soils having a percolation rate slower than sixty (69) minutes per inch or faster than ten (10) minutes per inch shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

h. Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

(3) The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial or institutional use and afford the subdivide an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

(b) **Existing Flora**. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public road-ways, drainage-ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

SEC. 14-1-22 THROUGH SEC. 14-1-29 RESERVED FOR FUTURE USE.

ARTICLE D

Plat Review and Approval

SEC. 14-1-30 PRELIMINARY CONSULTATION.

Before filing a Preliminary Plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. 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.

SEC. 14-1-31 SUBMISSION OF PRELIMINARY PLAT.

(a) **Submission**. Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit eight (8) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission and to the Village Engineer for review and written report of his recommendations and reactions to the proposed plat.

(b) **Public Improvements, Plans and Specifications**. Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the Village Clerk-Treasurer ten (10) complete sets of engineering reports and plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.

(c) **Property Owners Association**; **Restrictive Covenants**. 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 or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.

(d) **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.

(e) **Supplementary Data to be filed with Preliminary Plat**. The following shall also be filed with the Preliminary Plat:

(1) Use Statement. 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

(2) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and

(3) Area Plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or 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.

(f) **Street Plans and Profiles**. The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.

(g) **Soil Testing**. The subdivider shall, at the request of the Village Board or Plan Commission, provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, The Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

(h) **Referral to Other Agencies**.

(1) The Village Clerk-Treasurer shall, within two (2) days after filing, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of 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 Industry, Labor and Human Relations 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 Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.

(2) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statues or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat.

(3) In lieu of the procedure under Subsection (h)(1), the subdivider or the subdivider's agent may submit the original plat to the Department of Local Affairs and Development which shall forward two (2) copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within twenty (20) days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Development. After each agency and the Department have certified that

they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within twenty (20) days from the date of the receipt of copies of the plat, and the Department fails to act within thirty (30) days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

(i) **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 proposed 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.

SEC. 14-1-32 PRELIMINARY PLAT REVIEW AND APPROVAL.

(a) **Plan Commission Recommendation.**

(1) After review of the Preliminary Plat and negotiations with the subdivider on changes and the kind and extent of public improvements which will be required, the Plan Commission shall recommend to the Village Board disapproval, approval or conditional approval of the Preliminary Plat within forty (40) days of the filing date. [Note: Sec. 236.11(1)(a), Wis. Stats., states that extension of time or a decision to hold a matter in abeyance may only be made by agreement of the subdivider and Village Board, not the Plan Commission].

(2) The Village Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice published in the official Village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action.

(b) **Board Review; Public Hearing**. The Village Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Village Board. The Village Clerk-Treasurer shall give notice of the Village Board's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Board's meeting notice published in the official Village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.

(c) **Board Action**. After receipt of the Plan Commission's recommendation, the Village Board shall, within ninety (90) days of the date the plat was filed with the Village Clerk-Treasurer, approve conditionally or reject such plan and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within ninety (90) 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 Preliminary Plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.

(d) **Effect of Preliminary Plat Approval**. 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, 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 Plan Commission and Village Board at the time of its submission.

(e) **Preliminary Plat Amendment**. 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 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.

SEC. 14-1-33 FINAL PLAT REVIEW AND APPROVAL.

(a) **Filing Requirements**.

(1) The subdivider shall prepare a Final Plan and a letter of application in accordance with this Chapter and shall file eight (8) copies of the Plat and the application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Sec. 14-1-32(a)(2). The owner or subdivider shall file eight (8) copies of the Final Plat not later than six (6) 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 show in title or control in the applicant.

(2) The Village Clerk-Treasurer shall, within two (2) days after filing, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of 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 Human Relations 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 Plan Commission. The County Planning Agency, the Wisconsin Department of Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Industry, Labor and Human Relations 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 Sec. 236.12(2).

(4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer twelve (12) copies of the final plans and specification of public improvements required by this Chapter.

(5) The Village Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Village Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Village Attorney for his examination and report. The Village Clerk-Treasurer shall also refer the final plans and specification of public improvements to the Village Engineer for review. The recommendations of the Plan Commission and Village Engineer shall be made within thirty (30) days 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 Plan Commission. 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 Plan Commission.

(b) **Plan Commission Review**.

(1) The Plan Commission 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 applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.

(2) The objecting state and county 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, except that the Wisconsin Department of Development has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

(3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.

(4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plan and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) **Board Review and Approval**.

(1) 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 face 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.

(2) The Village Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk-Treasurer of any municipality within one thousand (1,000) feet of the Final Plat.

(3) 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.

(d) **Recordation**. 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 six (6) months from the date of last approval.

(e) **Copies.** The subdivider shall file eight (8) copies of the Final Plat with the Village Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.

(f) **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.

SEC. 14-1-34 MINOR LAND DIVISION (CERTIFIED SURVEY MAP)

(a) **Use of Certified Survey Map**. When it is proposed to divide land into at least two (2) but no more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or out lot, or when it is proposed to divide any number of parcels greater than one and on-half (1 1/2) acres in size (thus not constituting a "subdivision" as defined in this Chapter), the subdivider shall prepare a certified survey map in accordance with this Chapter and shall file fifteen (15) copies of the map and the letter of application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired.

(b) **Referral to Plan Commission**. The Village Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.

(c) **Review by other Village Agencies**. The Plan Commission shall transmit a copy of the map to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission with ten (10) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans components and neighborhood plans.

(d) **Review and Approval**. The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. Following public hearing in the manner used for Preliminary Plats, the Village Board shall approve, approve conditionally and thereby require resubmission 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 subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.

(e) **Recordation**. The subdivider shall record the map with the County Register of Deeds within thirty (30) days of the approval.

(f) **Copies**. The subdivider shall file five (5) copies of the certified survey map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor and other affected departments for their files.

SEC. 14-1-35 RE-PLAT.

(a) Except as provided in Sec. 70.27(1), Wis. Stats., when it is proposed to re-plat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to re-plat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to re-plat shall then proceed, using the procedures for Preliminary and Final Plats.

(b) The Village Clerk-Treasurer shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a re-plat of lands within the Village is filed, and shall cause notices of the proposed Re-plat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Re-plat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Re-plat.

(c) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow re-subdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

SEC. 14-1-36 THROUGH SEC. 14-1-39 RESERVED FOR FUTURE USE.

ARTICLE 3

Technical Requirement of Plats and Certified Survey Maps

SEC. 14-1-40TECHNICAL 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 mylar 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. Such title shall not be the same or similar to a previously approved and recoded plat, shall not be the same or similar to a previously approved and recorded plat, unless it is in addition to a previously recorded plat and is so stated on the plat.

(2) **Location** of the proposed subdivision by government lot, quarter section, township, range, count 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, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

(b) **Plat Data.** All Preliminary Plats shall show the following:

(1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.

(2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.

(3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting un-platted lands.

(5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.

(6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culvers and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm 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 Seal Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

(10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands, within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.

(11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.

(12) **Flood Land and Shore Land 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) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.

(14) **Approximate Dimensions of all Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.

(15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainage ways or other public use or which are to be used for group housing, shopping centers, church sites or other non-public uses not requiring lotting.

(16) **Approximate Radii of all Curves.**

(17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

(18) **Where the Plan Commission, Village Board or Village Engineer** 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) **Additional Information**. The Plan Commission and/or 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.

SEC. 14-1-41 TECHNICAL REQUIREMENTS FOR FINAL PLATS.

(a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.

(b) **Additional Information**. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:

(1) **Exact Length and Bearing** of the center line of all streets.

(2) **Exact Street Width** along the line of any obliquely intersecting street.

(3) **Exact Location and Description** of street lighting and lighting utility easements.

(4) **Railroad Rights-of-Way** within and abutting the plat.

(5) **All Lands Reserved** for future public acquisition or reserved for use of property owners within the Plat.

(6) **Special Restrictions** required by the Village Board relating to access control along public ways or to the provision of planting strips.
(7) **Setback or Building Lines** required by Village codes and ordinances.
(8) **Utility and/or Drainage** easements.

(c) **Deed Restrictions**. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.

(d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.

(e) **Survey Accuracy.**

(1) **Examination**. The Village Board, or, at its direction, the Village Engineer, or its designee shall examine all Final Plats within the Village of Milltown and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of the survey, the proper kind and location of monuments and legibility and completeness of the drawing.

(2) **Maximum Error of Closure**. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(3) **Street, Block and Lot Dimensions**. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

(4) **Plat Location**. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision. The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.

(f) **Surveying and Monumenting**. All Final Plats shall meet all the surveying and Monumenting requirements of Section 236.15, Wis. Stats.

(g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat 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 coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

(h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

(i) **Recording.** The final plat shall only be recorded with the County Register of Deeds after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Village Board, of the Surveyor and those certificates required by Sec. 236.21 of the Wisconsin Statues are placed on the face of the plat. The plat shall be recorded within thirty (30) days of its approval by the Village Board.

SEC. 14-1-42 TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY LAND DIVISIONS; REVIEW AND APPROVAL

(a) **General**. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Sec. 236.34 of the Wisconsin Statues.

(b) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

(1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper land division.
(2) Setbacks or Building Lines required by the Village Board and the Village Zoning Code.
(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.
(9) Utility and/or Drainage Easements.
(10) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
(11) Entire Area Contiguous to the proposed certified survey map owned or controlled by the subdivider shall be included on the certified survey map even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and serve hardship would result from strict application thereof.
(12) Location of Soil Boring Test, where required by Section H 85.06(2) of the Wisconsin Administrative Code and where public services are not available, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such test shall be submitted along with the certified survey map.
(13) Location of Soil Percolation Tests, where required by Section H 85.06(3) of the Wisconsin Administrative Code, conducted in accordance with Sec. H 85.06(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one

(1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(c) **State Plane Coordinate System**. Where the map is located within a U.S. Public Land Survey 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's control survey.

(d) **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 Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

(e) **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 Section 236.21(2)(a) of the Wisconsin Statues.

(f) **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 re-approval of the map by the Village Board.

(g) **Requirements.** To the extent reasonably practicable, the certified survey map shall comply with the provisions of this Chapter relating to general requirements, design standards and requirement 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. 14-1-43 THROUGH 14-1-49 RESERVED FOR FUTURE USE.

ARTICLE F

Required Improvements

SEC. 14-1-50 IMPROVEMENTS REQUIRED.

(a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial, institutional or industrial area, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments.

(b) **General Standards**. The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Village Engineer.

SEC. 14-1-51 REQUIRED AGREEMENT PROVIDING FOR PROPER INSTALLATION OF IMPROVEMENTS.

(a) **Contract.** 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 said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Village Engineer.

(b) **Financial Guarantees**.

(1) The agreement shall require the subdivider to make an escrow deposit, irrevocable letter of credit or in lieu thereof to furnish a performance bond, the amount of the deposit and the penal amount of the bond to be equal to one and one quarter (1 1/4) times the Village Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.

(2) 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 additional periods not to exceed two (2) years each period.

(3) The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Village Engineer after consultation with the subdivider. The completion date shall be a component of the contract.

(4) The subdivider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This would include review and preparation at the Village Board's discretion,

of plans and specifications by the Village Engineer, Village Planner and Village Attorney, as well as other costs of a similar nature.

SEC. 14-1-52 REQUIRED CONSTRUCTINOPLAN; VILLAGE REVIEW; INSPECTIONS.

(a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, 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 a 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 Final 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, with a copy sent to the appropriate sanitary district:

(1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
(2) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
(3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
(4) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
(5) 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.
(6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
(7) Additional special plans or information as required by Village officials.

(b) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer 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 and construction commenced.

(c) **Other Requirements**.

(1) Approval by Engineer. Contracts and contract specifications for construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the Village Engineer.
(2) Governmental Units. Governmental units to which these bond and contract provisions may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.

(3) Plats Outside the Corporate Limits. Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.

(4) Survey Monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statues, and as may be required by the Village Engineer.

(d) **Construction and Inspection**.

(1) 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. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.

(2) 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.

(3) During the course of construction, the Village Engineer shall make, or cause to be made, such inspections as the Village Board deems necessary to ensure 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.

(e) **Record Plans**. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

SEC. 14-1-53 STREET IMPROVEMENTS.

The subdivider shall construct streets, roads and alleys as outlines on the approved plans based on the requirements of this Chapter:

(a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the Village Board and this Chapter, and shall be subject to approval of the Village Engineer before acceptance.

(c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map, if applicable.

(d) **Grading.**

(1) With the submittal of the Final Plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.

(2) Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approval of the Village Board after receipt of the Village Engineer's recommendations.
(3) After installation of temporary block corner monuments by the subdivider and the establishment of street grades by the Village Engineer, the subdivider 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, followed by surfacing required by this Chapter.
(4) In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
(5) The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
(6) 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 ensure that the established grade will be preserved.
(7) 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 subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement's areas.
(8) Cut and filled lands shall be graded to a maximum slope of one to four (1:4) or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

(e) **Street Construction.** After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by Village specifications. Construction shall be to Village standard specifications for street improvements.

(f) **Completion of Street Construction.**
(1) No building permit shall be issued for the construction of any residential dwelling until sewer, water, grading graveling and paving are installed in the streets necessary to service the property for which the permit is required.
(2) The Village Board 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 Board.
(3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

SEC. 14-1-54 CURB AND GUTTER.

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters, where required by the Village Board, in accordance with plans and standard specifications approved by the Village Board, on file with the Village Clerk-Treasurer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

SEC. 14-1-55 SIDEWALKS.

(a) In all subdivisions and minor land divisions, the Village Board may require the subdivider to construct a concrete sidewalk on one (1) side of all frontage streets, and on one (1) or both sides of

all other through, minor, cul-de-sac, dead end, arterial and/or continuous streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

(b) In addition, wider-than-standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Code if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

SEC. 14-1-56 SANITARY SEWERAGE SYSTEM.

(a) There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board.

(b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey map parcel or minor land division.

(c) Subdivisions and certified survey map parcels shall be served by public sewer facilities. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village.

(d) The Village Board shall require the installation of sewer laterals to the street lot line.

(e) The subdivider shall assume the cost of installing all sanitary sewers, eight (8) inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the subdivision or minor land division in question, as well as providing all sanitary sewer work within the subdivision or minor land division. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or certified survey map is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.

(f) The subdivider shall install sanitary sewers in accordance with this Code and specification of the Village Engineer where it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed subdivision or minor land division within six (6) years. Until such time as the public sewers within the subdivision or minor land division can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the subdivision or minor land division until such sewers are connected to the larger community system. The subdivider shall indicate on the face of the plat or certified survey map that the owner of private uses within the subdivision or minor land division shall connect such uses to the sewers in the subdivision or minor land division at the time such sewers are connected to the community sewer system, and that the Village be held harmless for any damages or costs incurred to disconnect and abandon any on-side sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.

SEC. 14-1-57 WATER SUPPLY FACILITIES.

(a) When public water supply and distribution facilities are available to the subdivision plat or minor land division or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider shall make provision for adequate private water

systems as required by the Village in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations.

(b) The Village Board may require the installation of water laterals to the street lot line.

(c) 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 Board.

(d) The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision or minor land division, except for the added cost of installing water mains greater than eight (8) inches in diameter.

(e) The subdivider shall install water mains in accordance with this Code and specifications of the Village Engineer when it is determined that the proposed that the proposed subdivision or minor land division lies within a public sanitary sewer service area and water main facilities are programmed to be extended to the proposed subdivision with six (6) years. Until such time as the public water mains within the subdivision or minor land division can be connected to the larger community water supply system, they shall be temporarily capped. No private or public use shall be connected to the water mains within the subdivision or minor land division until such water mains are connected to the larger community water supply system. The subdivider shall indicate on the face of the plat that connects such uses to the water mains within the subdivision or minor land division, and that the Village is held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place and any costs associated with connection to the public water mains.

SEC. 14-1-58 STORM WATER DRAINAGE FACILITIES.

(a) Pursuant to Section 14-1-73, the subdivider shall provide storm water drainage facilities adequate to serve the subdivision or minor land division which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, open channels and water retention structures and settling basins, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Village Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board, upon the recommendation of the Village Engineer. Storm sewers oversized to handle cost of oversizing such larger sewers shall be prorated in proportion to the ration which the total area of the proposed subdivision or minor land division is to the borne by the Village or assessed against the total tributary drainage area.

(b) Unpaved road ditches and street gutters may be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as gassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy-dissipating devices.

(c) Drainage facilities shall, if required, include water retention/detention structures and settling basins so as to prevent erosion and the sedimentation where such grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.

SEC. 14-1-59 OTHER UTILITIES

(a) The subdivider 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.
(b) The subdivider shall cause gas, electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Village Board specifically allows overhead poles for the following reasons:
    (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
    (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
(c) 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.

SEC. 14-1-60 EROSION CONTROL

(a) The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.
(b) The Village Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
(c) In wooded plats, tree cutting shall not exceed forty percent (40%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliation, substantially screen and development from stream or lake users.
(d) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
(e) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to minimize erosion and sedimentation.
(f) Review of the conduct of such cutting, clearing and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers and the State District Forester by the Village Engineer or Plan Commission as they deem appropriate.

SEC. 14-1-61 PARTITION FENCES.

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect (at the request of the adjacent property owner), keep, and maintain (his portion under State law) partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

SEC. 14-1-62 EASEMENTS.

(a) **Utility Easements.** The Village Board, on the recommendation of appropriate departments and agencies serving 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 intent 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. If, in the opinion of the Village Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

(c) **Easement Locations**. Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Village Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission and 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 serves involved.

SEC. 14-1-63 IMPROVEMENTS EXTNDED TO LIMIT OF PARCEL.

Any and all improvements or utility services required by this Chapter for the subdivision and/or minor land division of lands within the Village or within the Village's extraterritorial plat approval jurisdiction shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is excused by the Village Board, the Plan Commission or Village utilities officials. In the event the improvements are required to the end of the parcel, as defined herein, the owner shall be required to post bond with the Village if improvements are not made.

SEC. 14-1-64 RECREATION, PARK, OR OPEN AREAS.

(a) The Village shall require the developer to dedicate for parks, playgrounds and other open space purposes, a parcel of land equal to ten percent (10%) of the gross area of all property proposed for subdivision. Such parcel shall be shown and marked on the plat, "Dedicated for Park or Recreation Purposes".

(b) The Village Board may require that lands dedicated for park, playgrounds, recreation, and open space purposed be of a character and location suitable for such use and purpose and may further require it to be relatively level and dry. All such parcels shall be reviewed and recommended by the Plan Commission, prior to Village Board approval.

(c) Where a proposed park, playground, recreation or open space area is shown on the official map or master plan proposed subdivision, the Village Board shall require the dedication of such area within the subdivision. If the official map or master plan provides for an area in excess of the required ten percent (105), the Board shall, before it takes final action on the plat, consider the official map or master plan and together with the appropriate board, determine if it should take necessary steps to acquire, through purchase, all or part of the park, playground, recreation or open space area as shown on the official map or master plan.

(d) Where, with respect to a particular subdivision, the dedication of a parcel of land for parks, playgrounds, recreation or open space purposes does not comply with the official map or the master plan and as determined by the Plan Commission and the Village Board and dedication of such parcel would not be in the public interest, the Village shall require a payment of money in lieu of land. Such payment shall be equal to ten percent (10%) of the estimated fair market value of the gross land area proposed to be subdivided. The estimated fair market value shall be determined by the Village Assessor in the following manner: the assessed value of the property in question shall be divided by the assessment ration of all taxable property for the same year as determined by the Department of Revenue.

(e) The Village Board shall require that all payment sin lieu of land be deposited with the Village Clerk. All such deposits shall be placed in a Park and Recreation Acquisition and Improvement Fund. The Village shall consider using such funds in a park that will benefit those persons making the contribution.

SEC. 14-1-65 THROUGH SEC. 14-1-69 RESERVED FOR FUTURE USE.

ARTICLE G

Design Standards

SEC. 14-1-70 GENERAL STREET DESIGN STANDARDS.

(a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village regulations. 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 and Section 14-1-53. 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 official maps adopted by the Village Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.

(c) **Compliance with Comprehensive Plan.** The arrangement, character, extent, width, grade and location of all streets shall conform to any Village 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.

(d) **Areas not Covered by Official Map.** In areas not covered by a Village 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.

(e) **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 commercial and 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 Bard, 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.

(f) **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.

(g) **Alleys.**

(1) Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts for off-street loading and service access, except that the Village Board may waive this requirements where other definite and assured provisions is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.

(2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography and other exceptional circumstances.

(3) Width. The width of alleys shall not be less than twenty-four (24) feet.

(4) Dead End. Dead end alleys are prohibited and crooked and "T" alleys shall be discouraged.

(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 connect 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, upon the recommendation of the Plan Commission, 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, preferably not more than two (2).

(k) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, no access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(l) **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.

(m) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Village Engineer, sufficient vision clearance triangles shall be provided at intersections.

(n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

(o) **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: seven percent (7%).
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.

(p) **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.

(q) **Half Streets.** Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(r) **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 Engineer considers it necessary.
(2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
(3) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).

(s) **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.

(t) **Cul-de-sacs.**
(1) 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 with a turnaround of not less than one hundred thirty (13) feet in diameter of right-of-way and a roadway of not less than one hundred (100) feet in diameter. The use of cul-de-sacs should be avoided where possible.
(2) Temporary Termination of Streets. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.

(u) **Limited Access Highway and Railroad Right-of-way Treatment**. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street 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 planning of trees and shrubs; the building of structures hereon prohibited".
(2) Commercial and Industrial Districts. Commercial and industrial properties shall have provided, on each side of the limited access highway, arterial street 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.

(v) **Width**. The right-of-way of all streets shall be of the width specified on the official map or master plan or, if no width is specified there, they shall be not less than the width specified below:

Street Type	Right-of-Way Minimum Width	Roadway (Curb Face to Curb Face)
Collector (carries traffic from minor streets to arterials or highways)	66 feet	40 feet
Minor (provides access to individual lots	60 feet	37 feet
Half street	One-half total right-of-way of proposed street	
Cul-de-sac	60 feet	37 feet
Alleys: Residential commercial or industrial	24 feet 32 feet	20 feet 30 feet

(w) **Construction Standards**. All streets and highways constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards:

(1) Roadway Base Thickness.

a. 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.

b. On commercial, arterial or other heavy-use streets, as determined by the Village Board, a base course of eight (8) inches compacted gravel shall be constructed upon an inspected and approved subgrade, either well-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.

2. Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be sub-cut, removed and replaced with a suitable granular or breaker-run material approved by the Village Engineer.
3. 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 of 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.

(x) **New and Replacement Bridges and Culverts**. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one hundred (100) year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than one one-hundredth (0.01) feet above the peak stage for the one hundred (100) year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the pass of ice flows and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statues and codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

SEC. 14-1-71 BLOCK DESIGN STANDARDS.

(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 five hundred (1,500) 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 three hundred (300) feet in length.

(b) **Pedestrian Pathways**. Pedestrian pathways, not less than ten (10) feet wide, may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, parks, churches, playgrounds, shopping centers, transportation and other community facilities.

(c) **Width**. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential de3velopment from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(d) **Utility Easements**. Utility easements for electric power and telephone service shall, where practical, be placed on midblock easements along rear lot lines.

SEC. 14-1-72 LOT DESIGN STANDARDS.

(a) **Size.** The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, 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) **Commercial Lots**. 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.
(c) **Lots Were Abutting Major Highway**. Residential lots fronting on major streets and highways shall be planted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
(d) **Corner Lots**. Corner lots for residential use shall have extra width of ten (10) feet to permit full building setback from both streets.
(e) **Access to Public Streets**. Every lot shall front or abut for a minimum distance of at least forty (40) feet on a public street. Lots with an access only to private drives or streets shall be permitted only with Village Board approval.
(f) **Side Lots**. Side lot lines shall be substantially at right angles
(g) **Double and Reversed Frontage Lots**. 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.
(h) **Natural Features**. 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.
(i) **Land Remnants**. 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.
(j) **Large Lots**. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future re-subdivision of such lots into normal sizes compatible with the area.
(k) **Lot Area and Dimensions**. Area and dimensions of all lots shall conform to the requirements of the Village of Milltown Zoning Code for the subdivisions within the Village and to the applicable county zoning ordinance within the Village's extraterritorial jurisdictional limits.
(l) **Lot Depth**. Depth of lots shall be a minimum of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of one and one-half to one (1 1/2:1) shall be considered a desirable ration under normal conditions. Depth of lots of parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off street service and parking required by the use contemplated.
(m) **Lot Width**. Width of lots shall conform to the requirements of the Village Zoning Code, or other applicable ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line.

SEC. 14-1-73 DRAINAGE SYSTEM.

(a) **Drainage System Required**. As required by Section 14-1-56, 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 of. A Final Plat shall not be approved until the subdivider shall submit plans, provides and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.

(b) **Drainage System Plans**.

(1) The subdivider shall submit to the Village at the time of filing a Preliminary Plat a preliminary drainage plan or engineering 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 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 subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(2) Block grading shall be completed by one (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 to the Village to provide for the future maintenance of said system. Easements shall be a minimum, of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.

(e) **Protection of Drainage Systems.** The 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. 14-1-74 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 Village Zoning and Building Codes. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map and the Village Zoning Code.

(b) **Standards**. In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village Board 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 Board with respect to street, curb, gutter and sidewalk design and construction.

(4) Special requirements may be imposed by the Village Board 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 no normally be extended to the boundaries of adjacent existing or potential residential areas.

SEC. 14-1-75 AUTHORIZING STREET ACCESS OF LESS THAN 60 FEET TO THE PLATS OF HASTA LA VISTA, GANDY VIEW ESTATES AND UPTOWN ESTATES SUBDIVISIONS.

(a) The developer of the Plat of Hasta La Vista shall be allowed to develop said Plat with a street width of less than sixty (60) feet as required by Sec. 236.16(2), Wis. Stats., and may develop the Plat with the road dimensions shown on said Plat.

(b) The developer of the Plat of Gandy View Estates shall be allowed to develop said Plat with a street width of less than sixty (60) feet as required by Sec. 236.16(2), Wis. Stats., and may develop the Plat with the road dimensions shown on said Plat.

(c) The developer of the Plat of Uptown Estates shall be allowed to develop said plat with a street of less than sixty (60) feet as required by Sec. 236.20(4)(d), Wis. Stats., and may develop the plat with the road dimensions shown on said plat, and Lot 3 shall be allowed to be accessed via a sixteen (16) foot wide easement across Lot 5.

SEC. 14-1-76 THROUGH SEC 14-1-79 RESERVED FOR FUTURE USE.

ARTICLE H

Variances; Penalties and Violations

SEC. 14-1-80 VARIANCES AND EXCEPTIONS.

(a) Where, in the judgement of the Village Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter 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 Plan Commission and Village Board in the analysis of the proposed project.

(b) The Plan Commission shall not recommend nor shall the Village Board grant variances 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, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
   (4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

(c) Any recommendations by the Plan Commission shall be transmitted to the Village Board. The Village Board, if it approves of the variance, shall do so by motion or resolution and instruct the Village Clerk-Treasurer to notify the Plan Commission and the subdivider.

(d) 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 Village in accordance with any Village Comprehensive Plan or component thereof, this Chapter, or the Village Zoning Code. 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 Village Board.

(e) The Village Board may waive the placing of monuments, required under Sec. 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 by the Village.

SEC. 14-1-81 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, firm or corporation shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or re-plat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter 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 Statues.

(b) **Penalties.**

(1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned I 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 Sec. 70.27 of the Wisconsin Statues may be ordered by the Village as a remedy 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 failure to approve a plat mat appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 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.

SEC. 14-1-82 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.

ARTICLE I

Fees

SEC. 14-1-90 ADMINSTRATIVE AND OTHER FEES.

(a) **General**. The subdivider shall pay the Village all fees as hereinafter required and at the times specified before being entitles to recording of a plat or certified survey map.

(b) **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, including inspections required by the Village.; The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

(c) **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.

(d) **Preliminary Plat Review Fee.**

(1) The subdivider shall pay a fee of fifty dollars ($50.00) for each dwelling unit within the preliminary plat or certified survey map to the Village Clerk-Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.

(2) A re-application fee of twenty-five dollars ($25.00) shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(e) **Final Plat Review Fee.**

(1) The subdivider shall pay a fee of twenty-five dollars ($25.00) plus five dollars ($5.00) for each dwelling unit within the final plat to the Village Clerk-Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

(2) A re-application fee of ten dollars ($10.00) shall be paid to the Village Clerk-Treasurer at the time of a re-application for approval of any final plat which has previously been reviewed.

(f) **Objecting Agency Review Fees**. The subdivider shall transmit all fees required for state agency review to the Village Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources.

TITLE 15

Building Code

Chapter 1 Building Code
Chapter 2 Grievances Regarding Access to Public Building by Handicapped Persons
Chapter 3 Fair Housing

CHAPTER 1

Buildings Code

15-1-1 Building Code Established
15-1-2 Building Permits and Inspection
15-1-3 (Reserved for Future Use)
15-1-4 Construction Standards; Codes Adopted
15-1-5 New Methods and Materials
15-1-6 Unsafe Buildings
15-1-7 Disclaimer on Inspections
15-1-8 Garages
15-1-9 Regulation and Permit for Razing Buildings
15-1-10 Basements; Excavations
15-1-11 Discharge of Clear Waters
15-1-12 Duplex Service Connections
15-1-13 Regulations for Moving Buildings
15-1-14 Installation of Smoke-and Heat-Detecting Devices in Multiple Dwelling Units
15-1-15 Fire District Regulations
15-1-16 Fees
15-1-17 Severability
15-1-18 Penalties

SEC. 15-1-1 BUILDING CODE ESTABLISHED.

(a) **Title.** This Chapter shall be known as the "Buildings Code of the Village of Milltown" and will be referred to in this Chapter as "this Code", "this Chapter" or "this Ordinance".

(b) **Purpose**. This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well0-being of persons occupying or using such buildings and the general public.

(c) **Scope**. New buildings hereafter erected in, or any buildings hereafter moved within or into the Village, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of it provisions. Any alteration, enlargement or demolition of an existing buildings and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing buildings shall be considered a "new building" for the

purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Village and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

SEC. 15-1-2 BUILDINGS PERMITS AND INSPECTION.

(a) **Permit Required.**

(1) General Permit Requirement. No buildings of any kind shall be moved within or into the Village and no new buildings or structure, or any part thereof, shall hereafter be erected or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Village, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Buildings Inspector.

(2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:

a. Alterations. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.

b. Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any existing stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a give occupancy or use, shall be deemed minor repairs.

c. Alterations When not Permitted. When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such buildings 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 buildings 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 buildings or structure shall be determined by the Buildings 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 buildings 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 Buildings 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 Buildings Inspector to issue or refuse a buildings 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 continent upon site plan approval may be appealed to the Zoning 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, 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 buildings 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 Buildings 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 Buildings 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 five hundred dollars ($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 buildings or structure without issuance of a buildings permit.

(h) **Approval of Plans.**

(1) If the Building Inspector determines that the buildings 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 buildings is to be put, which shall be kept and displayed at the site of the proposed buildings. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

(2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspection of Work.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two (2) business days after notification all buildings at the following states of construction:

(1) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;

(2) General framing, rough electrical, plumbing and heating;
(3) Insulation; and
(4) Completion of the structure.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Buildings Inspector.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed with one (1) year from the date of issuance thereof.

(k) **Revocation of Permits**.

(1) The Building Inspector may revoke any buildings, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.
b. Whenever the continuance of any construction becomes dangerous to life or property.
c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.

(2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.

(3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

(4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

(l) **Report of Violations**. Village officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.

(m) **Display of Permit**. Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

SEC. 15-1-3 RESERVED FOR FUTURE USE

SEC. 15-1-4 CONSTRUCTION STANDARDS; CODES ADOPTED.

(a) **Portions of State Building Code Adopted.** The Uniform Dwelling Code and Chs. COMM 50 through COMM 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 Buildings Code specifically applies. Any future amendments, revisions and modifications of said Uniform Dwelling Code Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Uniform Dwelling Code Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Buildings Inspector. "Uniform Dwelling Code" means those Administrative Code provisions and any further amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Ch. COMM 20 – Administrative and Enforcement
Wis. Adm. Code Ch. COMM 21 – Construction Standards
Wis. Adm. Code Ch. COMM 22 – Energy Conservation Standards
Wis. Adm. Code Ch. COMM 23 – Heating, Ventilating and Air Conditioning
Wis. Adm. Code Ch. COMM 24 – Electrical Standards
Wis. Adm. Code Ch. COMM 25 – Plumbing and Potable Water Standards

(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 COMM 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 Statues and Administrative Code herein are intended to be made part of this Chapter.

(c) **State Electrical Code Adopted.**

(1) Wis. Adm. Code COMM 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 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) **Method of Enforcement; Certified Inspector Provided.** The Village of Milltown, as a municipality under two thousand five hundred (2,500) in population, shall contract with a building inspector by the Department of Commerce in each category specified under Sec. 26.06, Wis. Adm. Code, and by the Department of Health and Social Services in the purpose of enforcing the provisions of the one (1) and two (2) family Uniform Dwelling Code.

(e) **Conflicts.** If, in the opinion of the Building Inspector and the Village Board, the provisions of the State Buildings 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 buildings meet 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 Commerce 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 Commerce. 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 Commerce.

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 judgement, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

SEC. 15-1-7 DISCLAIMER ON INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Village. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and the 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 Milltown 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 property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.

(b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this

Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the buildings 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. 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 wither 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 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 completed 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 full completed.

(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 fining 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 Milltown 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 judgement 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, filing 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 INSTALLATION OF SMOKE-AND HEAT-DETECTING DEVICES IN

MULTIPLE DWELLING UNITS.

(a) **Smoke Detector Devices Required.**

(1) The owner of every premises on which is located more than two (2) dwelling units within the Village shall install smoke detection devices so located as to protect:

a. The sleeping areas of each dwelling unit; and

b. All public hallways on the premises; and

c. All basement and storage areas.

(2) If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Village Fire Inspector to protect each sleeping area.

(b) **Definitions**. For the purposes of this Chapter, the following words and phrases shall have the following meanings:

(1) Dwelling Unit. A group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.

(c) **Exemption.** This Chapter shall not apply to owner-occupied single-family dwelling units, owner-occupied mobile homes or premises containing two (2) or less dwelling units.

(d) **Installation and Design Standards.**

(1) Installation of all devices shall be according to manufacturer's specifications.

(2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association NFPA Standards pamphlet, #72E, 1974 Edition, and pamphlet #74, 1975 Edition.

(3) All smoke and heat detection devices shall bear the Underwriters' Laboratory seal of approval or Factory Mutual approval. All smoke detection devices shall meet the Underwriters' Laboratory Standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.

(4) In premises having multiple dwelling units, additional devices connected to the building alarm system, if any, shall be installed in every corridor serving one (1) or more dwelling units and on every separate level of the building regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosed area which shall be audible throughout the entire building.

(5) In premises having multiple dwelling units, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat sensing devices shall be installed in place according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on centers and fifteen (15) feet from any wall.

(6) Heat sensing devices shall be installed in all furnace, boiler and incinerator rooms in a premises having multiple dwelling units.

(e) **Owner Responsible for Installation of and Maintenance.** The owner of the premises having a multiple dwelling unit shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation and some other authorized, qualified individual to assume that responsibility and approval of this designation is given in writing by said Fire Chief.

(f) **Installation, Time for.** Detection devices required by this Section shall be installed within six (6) months of the effective date of this Section, except that existing premises are not required to install devices which are interconnected to signals outside of the enclosure in which they are placed.

SEC. 15-1-15 FIRE DISTRICT REGULATIONS.

(a) **Fire District Defined.** The Fire District of the Village shall include the following area: Beginning at the north side of Main Street and the Soo Line right-of-way and running west to Second Avenue, thence north 107 feet 5 inches, thence east to the Soo Line right-of-way, thence southwest to point of beginning; also beginning at the south side of Main Street and the Soo Line right-of-way and running west to Second Avenue, thence south 107 feet 5 inches, thence east to Soo Line right-of-way, thence northeast to point of beginning.

(b) **Regulations.** Except as otherwise permitted by the Village Board in special circumstances, every building or structure hereafter erected, enlarged or moved within or into the Fire District shall be of fire resistive, mill or ordinary construction, as defined in IND 51, Wis. Adm. Code. Enclosing walls, division walls and party walls shall be of four-hour, fire resistive walls of construction as provided in IND 51.05, Wis. Adm. Code, which is hereby by reference made a part of this Chapter with respect to all buildings and structures within the Fire District. Fire inspections are to be conducted at least once each calendar year within the Fire District, and all property owners are required to give access to the Fire Inspector for this purpose.

(c) The Fire Chief shall be the Fire Inspector of the municipality and shall have the power to appoint one or more deputy Fire Inspectors.

(d) While acting as Fire Inspector pursuant to SPS 314 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 all public buildings and places of employment, and public thoroughfares, except the interiors of private dwellings, in the municipality at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this chapter, he/she may deem necessary. Should the Fire Inspector find that any provisions of this chapter relative 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, including a reasonable time for corrections.

(e) As set forth in SPS 314 Wis. Stats., the Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all public buildings and places of employment, 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 relative to the fire hazard or to the prevention of fires. Such inspections shall be made at least once each calendar year in all territory served by the Fire Chiefs' Fire Department. The Fire Chief may, at his or her discretion, require more frequent inspections than otherwise required under this section. Corrective action inspections shall occur at the time set by the Fire Inspector.

(f) Written reports of inspections shall be made and kept on file in the office of the Fire Chief in the manner and form required by the Department of Safety and Professional Services.

SEC. 15-1-16 BUILDING PERMIT FEES.

(a) **Purpose.**

(1) Fees Required. For the purposes of assessing the fees for plan examination and inspection, a one (1) and two (2) family dwelling or manufactured buildings shall be defined by the provisions

of Sections 101.61(1) and 101.71(1), Wis. Stats. Fees shall be remitted at the time the plans are submitted to the Village Clerk-Treasurer's office or the Building Inspector.

(2) Fees. Fees for the "Application for Building Permit/Approval to Begin Construction" is as follows:
   a. New Commercial Building. One hundred dollars ($100.00).
   b. New Residential Buildings. Fifty Dollars ($50.00).
   c. All Other. Twenty-five dollars ($25.00)

(b) **Application for Approval to Begin Construction Permit.**

(1) Plan Review.
   a. New buildings and additions manufactured building plan review. Five cents ($.05) per square foot of living area. [Minimum fee of fifty dollars ($50.00) per plan].
   b. Alterations. Thirty dollars ($30.00) per plan.

(2) On-site Inspections Per Inspection.
   a. New Buildings and Additions. Twenty cents ($.20) per square foot of living area. [Minimum fee of fifty dollars ($50.00)].
   b. Alterations. Twenty dollars ($20.00).
   c. Manufactured Building Inspections. Same as above with deductions (to be determined by the Building Inspector).

(3) Petitions to Board of Appeals. Petitions to the Board of Appeals for modification or extension of time for an issued compliance order shall be thirty-five dollars ($35.00) per petition for review.

(4) Re-inspection Fee. Seventy-five dollars ($75.00) when required by non-compliance.

SEC. 15-1-17 SEVERABILITY.

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

SEC. 15-1-18 PENALTIES AND VIOLATIONS.

(a)

(1) 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.

(2) Any building or structure hereafter erected, enlarged, altered or repaired without first obtaining a building permit pursuant to the provisions of this Chapter shall be subject to a forfeiture of twenty-five dollars ($25.00) per day, with each day such violation continues constituting a separate offense.

(b)

(1) If an inspection reveals a noncompliance with this Chapter the Uniform Dwelling Code, the

(2) 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. COMM 20.10(1)(c), Wis. Adm. Code.

(3) 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 supplies that the cited violation has been corrected.

(4) Each day each violation continues after the thirty (30) day written notice period has run 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.

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

(c) Any person feeling aggrieve 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 Milltown charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to person 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

Grievances Regarding Access to Public Buildings
By Handicapped Persons

15-2-1 Grievance Procedures Regarding Access to Public Buildings by Handicapped Persons

SEC. 15-2-1 GRIEVANCE PROCEDURES REGARDING ACCESS TO PUBLIC BUILDINGS BY HANDICAPPED PERSONS.

(a) **Statement of Purpose**. The Village of Milltown is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This Section provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended (29U.S.C.794); Section 504 states, in part, that "no otherwise qualified handicapped individual…shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance…".

(b) **Complaint Procedure**.

(1) Complaints should be filed with the Village Clerk-Treasurer, who has been designated to coordinate Section 504 Compliance.

(2) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Village Clerk-Treasurer who should review the handicapped Requirements Handbook published by the Federal Programs Advisory Service.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than thirty (30) days after its filing.

(6) The Section 504 coordinator shall maintain the files and records of the Village relating to the complaints filed.

(c) **Appeals**.

(1) The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven (7) days to the Village Clerk-Treasurer.

(2) The grievance shall be heard by the Village Board within ten (10) working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Board. The Village Clerk-Treasurer shall give at least three (3) days written notice to the applicant by first class mail of any such grievance hearing.

(3) Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may, and upon request of the applicant, shall, be recorded.

(4) The decision of the Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Board shall be rendered within three (3) working days of the close of the hearing and the Village Board shall immediately upon rendering the decision mail a copy thereof by first class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Village Clerk-Treasurer.

(d) **Other Remedies**. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to a pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process**. This Section shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504 and the ORS regulations.

CHAPTER 3

Fair Housing

15-3-1 Fair and Open 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 FAIR AND OPEN HOUSING.

WHEREAS, the Village of Milltown recognized its responsibilities under Section 106.50, Wisconsin Statues, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;
THEREFORE, BE IT ORDAINED THAT:

1) The Village of Milltown hereby adopts Section 106.50, Wisconsin Statues, as amended and all subsequent amendments thereto.
2) The officials and employees of the Village of Milltown shall assist in the orderly prevention and removal of all discrimination in housing within the Village municipal jurisdiction by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statues, as amended.
3) The Municipal Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statues, as amended, and shall assist any person alleging a violation thereof in the Village of Milltown to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statues, 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, sub-lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.
(g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

(h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.

(j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statues.

(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 institutions, 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, ret 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 operators for other than commercial purposes 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 it 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 or 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 is 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 ordinance shall cause the Village Board to forward the complaint and findings to appropriate state and federal agencies.

The Milltown Village Office reserves the right to correct or change ordinances as deemed necessary.