

TOWN OF CHASE, WISCONSIN

CODE OF ORDINANCES

TOWN OF CHASE

CODE OF ORDINANCES (Current Code Reformatted)

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CHAPTER 1

GENERAL PROVISIONS

- 1.01 Town of Chase Code
 - 1.02 Definitions
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1.01 TOWN OF CHASE CODE.

- (1) Title. This Code of Ordinances may be known and cited as the Town of Chase Code.
- (2) Amendments. Any additional ordinances and/or amendments to existing ordinances are incorporated in and made a part of this Code so that a reference to the Town of Chase Code includes all such additions and amendments.
- (3) Numbering of Sections. Each section number of this Code shall consist of two component parts separated by a period; the figure before the period refers to the chapter number and the figure after the period refers to the position of the section within the chapter.
- (4) Numbering Additions. The decimal system shall be used for all additions or amendments to this Code. When a chapter or section is to be added, the new chapter or section shall given a decimal character.

1.02 DEFINITIONS.

- (1) General. Terms used in this Code, unless specifically defined in this Code, have the same meanings prescribed by the Wisconsin Statutes for the same terms; or, if not defined in this Code or the Statutes, then their usual and customary meanings.
- (2) Specific. Terms used in this Code have the following meanings:
 - (a) “*Act*” includes the failure or omission to do something which should have been done, or which was required to be done, under the circumstances then existing.
 - (b) “*Board*” shall mean the Town Board of the Town of Chase; and similarly, the title of any other official, board or commission shall refer to that of the Town of Chase unless otherwise stated.
 - (c) “*Code*” shall mean the Town of Chase Code of Ordinances (this Code).
 - (d) “*County*” shall refer to Oconto County.

- (e) “*Gender, Singular and Plural*”: Every word in this Code, and in any ordinance imparting the masculine gender, may extend and be imparted to females as well as males; and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any position which contains express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.
- (f) “*Ordinance*” shall refer to an ordinance of the Town of Chase and all amendments thereto included in this Code; and any ordinance passed and published, but not yet included in this Code.
- (g) “*Persons*” shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; as applied to corporations, the word includes the officers, agents or employees thereof who are responsible for the act referred to. The singular person includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders, and vice versa.
- (h) “*State*” shall refer to the State of Wisconsin.
- (i) “*Town*” shall refer to the Town of Chase, Oconto County, Wisconsin.
- (j) “*Wisconsin Statutes*” shall refer to the latest publication thereof, and any and all amendments thereto as and when enacted.

1.03 REPEAL OF ORDINANCES.

- (1) Certain Ordinances Repealed. All general ordinances or parts of ordinances heretofore adopted by the Town Board of the Town of Chase, and not included in this Code, are repealed, except the following, which are hereby continued in full force and effect.
 - (a) Ordinances authorizing contracts and/or the issuance of municipal notes or bonds;
 - (b) Ordinances levying taxes and/or making special assessments;
 - (c) Ordinances appropriating funds and/or establishing salaries;
 - (d) Ordinances granting franchises and/or rights to corporations;
 - (e) Ordinances relating to the establishment, dedication, opening, grading, naming, improvement, altering, widening and/or vacating of streets, alleys, sidewalks, parks and/or public grounds;
 - (f) Ordinances respecting the conveyance or acceptance of real property and/or easements in real property;
 - (g) Ordinances authorizing and/or relating to particular public improvements; and
 - (h) Any other special ordinances not in conflict with the provisions of this Code.
- (2) Included Ordinances Continuous. The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed,

right accruing or acquired and liability, penalty, forfeiture and punishment incurred prior hereto, shall not be affected but may be enjoyed, asserted, enforced, prosecuted and/or inflicted as fully and to the same extent as if the above repeal had not been effected.

1.04 JURISDICTION. Unless otherwise provided in this Code, this Code applies to acts performed within the Town of Chase, Oconto County, Wisconsin.

1.05 PENALTIES.

- (1) Standard Penalty. Unless another penalty is expressly provided by the Code for any particular provision, section or chapter, any person violating any provision of this Code or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted here by reference, shall, upon conviction, be subject to a forfeiture of not less than \$20.00 nor more than \$10,000.00 plus the cost of prosecution. In default of immediate payment of such forfeiture and costs, such person shall be committed to the Oconto County jail until such forfeiture and costs are paid. Every commitment shall limit the duration of such imprisonment to a definite term not exceeding ninety (90) days.
- (2) Each Day a Violation. Each act of violation, and every day upon which a violation occurs or continues, constitutes a separate offense.
- (3) Applicability. The penalty provided by this section, and/or any section of this Code, applies to the amendment of any section of this Code and any code adopted herein by reference to which the penalty relates, whether or not such penalty is re-enacted in the amendatory ordinances, unless otherwise provided in the amendment.
- (4) Reference to Sections. Reference to any section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- (5) Failure of Officers to Perform Duties. The failure of any officer or employee of the Town to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided.
- (6) Bond Schedule, Non-traffic Violations. The Bond Schedule for non-traffic violations shall be as set forth in the Town of Chase Citation Ordinance.
- (7) Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.
 - (a) For a juvenile adjudged to have violated an ordinance, a court is authorized to impose any of the dispositions listed in §938.343 and §938.344, Wis. Stats., in accordance with the provisions of those Statutes.
 - (b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under §938.343 or §938.344, Wis. Stats., the court is authorized to impose any of the sanctions listed in §938.355(6)(d), Wis. Stats., in accordance with the provisions of those Statutes.
 - (c) This Section is enacted under the authority of §938.17(2)(cm), Wis. Stats.

1.06 RESPONSIBILITY FOR ACTS. Every person concerned in the commission of any act prohibited by this Code, whether he directly commits the act, or in any way directs, encourages, advises, aids or abets its commission, may be prosecuted; and on conviction thereof, is subject to punishment the same as if he had directly committed such act.

1.07 SEPARABILITY OF PROVISIONS. Each section, subsection, paragraph, sentence, phrase, clause and provision of this Code is separable; and, if any provision hereto is held to be unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof; and it shall be deemed and is hereby declared that all remaining parts of this Code would have been passed and published the same as if such illegal, invalid or unconstitutional section, subsection, paragraph, sentence, phrase, clause or provision had not been included herein.

1.08 EFFECTIVE DATE. This Code of Ordinances shall take effect upon passage and publication in book form under the authority of the Town Board, as provided by §66.0103 of the Wisconsin Statutes, and other provisions of law.

1.09 COPIES ON FILE. A copy of this Code shall be kept permanently on file, and open and available for public inspection at the office of the Town Clerk.

CHAPTER 2

TOWN GOVERNMENT

- 2.01 Form of Government
 - 2.02 Town Board
 - 2.03 Elected Officials
 - 2.04 Appointed Officials
 - 2.05 Committees
 - 2.06 Powers and Duties
 - 2.07 Meetings
 - 2.08 Fiscal Management
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2.01 FORM OF GOVERNMENT. The Town of Chase is a body corporate and politic with the powers and authorities as made and provided under the provisions of Chapter 60 of the Wisconsin Statutes.

2.02 TOWN BOARD. The Town shall be governed by a Town Board consisting of a three town supervisors, one of whom shall be designated as the Town Chairperson.

2.03 ELECTED OFFICIALS.

(1) General. The elected officials of the Town shall be a Town Chairperson and the two Town Supervisors.

(2) Terms.

- (a) Town Chairperson. A Town Chairperson shall be elected at the annual spring election in odd-numbered years.
- (b) Town Supervisor. Town Supervisors shall be elected at the annual spring election in odd-numbered years.
- (c) The terms of office of the elected officials shall expire at 11:59 p.m. on the third Tuesday of April of year of the expiration of their term.

2.04 APPOINTED OFFICIALS.

(1) General. The appointed officials of the Town shall be the following:

- (a) Town Clerk. A Town Clerk, with those power, duties and authorities provided under the provisions of Sections 60.15 and 60.33, Wis. Stats., shall be appointed by majority vote of the Town Board at the annual town meeting in odd numbered years.
- (b) Town Treasurer. A Town Treasurer, with those power, duties and authorities provided under the provisions of Section 60.34, Wis. Stats., shall be appointed by majority vote of the Town Board at the annual town meeting in odd numbered years.

- (c) Town Assessor. A Town Assessor, with those powers, duties and authorities provided under Sec. 60.307, Wis. Stats., shall be appointed by majority vote of the Town Board at the annual town meeting in odd numbered years
 - (d) Building Inspector. A Town Building Inspector, who shall be certified by the Wisconsin Division of Safety and Buildings to inspect residential and commercial structures, with those powers, duties and authorities provided in Chapter 9 hereof shall be appointed by the Town Board after the spring election in odd-number years.
- (2) Terms. The terms of office for all appointed officials shall be two (2) years and shall commence on the second Tuesday in April of the odd numbered years.

2.05 BOARDS, COMMITTEES AND COMMISSIONS.

- (1) General. The Town shall have the following Boards, Committees and Commissions the members of which shall be appointed by majority vote of the Town Board.
- (a) Board of Review.
 - 1. Composition. The Board of Review shall consist of the Town Chair, Town Supervisors and the Town Clerk.
 - 2. Duties. The duties and functions of the Board of Review shall be as prescribed in Sec. 70.74, Wis. Stats.
 - (b) Board of Adjustment. The Town Board shall appoint a Board of Adjustment with the powers, duties and authorities made and provided under the provisions of Sec. 60.65, Wis. Stats.
 - (c) Park Commission. The Town Board shall appoint a Park Commission with the powers, duties and authorities made and provided under the provisions of Sec. 60.66, Wis. Stats.
 - (d) Local Plan Commission.
 - 1. Jurisdiction. The Town of Chase Plan Commission shall carry out the following duties under this ordinance:
 - a. Review all applications for conditional uses and amendments to this code section.
 - b. Hear and decide matters upon which it is required to pass under this code section.
 - 2. Meetings.
 - a. All meetings of the Plan Commission shall be held at the call of the Chairman of the Commission at such times as the Commission may determine.
 - b. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact, and shall also keep records of its hearings and other official actions.

3. Decisions. All decisions of the Plan Commission shall require the vote of a majority of the members of the Commission.
4. Membership.
 - a. The Plan Commission shall consist of five (5) members as provided by Sec. 62.23, Wis. Stats.
 - b. Commission members shall consist of the Town Chairman, one town board member, Chairman of the Park Commission and two citizens who shall be appointed by the Town Board in even years for two (2) year terms.
 - c. Commission officers shall be elected by the Commission members for one year terms.
 - d. The Plan Commission members shall be removable by the Town Board for cause upon written charges.
 - e. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval of the Town Board.

2.06 POWERS AND DUTIES.

- (1) Town Board. The Town Board shall have all powers and duties authorized, assigned and established under the provisions of Sections 60.10, 60.22 and 60.23, Wis. Stats.
- (2) Town Chairperson. The Town Chairperson shall have all powers and duties authorized, assigned and established under the provisions of Section 60.24, Wis. Stats.
- (3) Town Clerk. The Town Clerk shall have all powers and duties authorized, assigned and established under the provisions of Sections 60.15 and 60.33, Wis. Stats. The Town Clerk shall also have the power to authorize the payment of certain claims as made and provided in Sec. 2.08(2) hereof.
- (4) Town Treasurer. The Town Treasurer shall have all powers and duties authorized, assigned and established under the provisions of Section 60.34, Wis. Stats.

2.07 MEETINGS.

- (1) Call. All meetings shall be called by the presiding officer or official of the body holding the meeting.
- (2) Notice. The date, time, place and agenda of all Town Board and Town Committee meetings shall posted and published in the manner made and provided in Chapter 19 of the Wisconsin Statutes.
- (1) Order of Business. The following order of business shall be observed unless the provisions of Sec. 60.14, Wis. Stats., shall apply:
 - (a) Roll call.
 - (b) Approval of Agenda and any amendments thereto.
 - (c) Approval of minutes of the last preceding meeting.
 - (d) Public hearings.
 - (e) Committee Reports:

1. Standing Committees.
2. Special Committees.
- (f) New Business:
 1. Ordinances.
 2. Resolutions.
 3. Informational items.
- (g) Consideration and approval of Bills
- (h) Other matters to come before the Board or Committee.
- (i) Communications.
- (j) Closed Sessions.
- (k) Adjournment.
- (2) Parliamentary Procedure and Rules of Order.
 - (a) Robert's Rules of Order. The rules of parliamentary practice comprised in "Robert's Rules of Order, Newly Revised" shall govern all Board and Committee proceedings in all cases in which they are applicable, except when they are inconsistent with State laws or rules contained in this chapter.
 - (b) Motions. No motion shall be discussed or acted upon unless and until it has been seconded. No motion shall be withdrawn without the consent of the person making the same.
- (3) Annual Meeting. The Town Board shall schedule, notice and hold an annual meeting on the second Tuesday of April of each year in the manner provided in Sec. 60.11, Wis. Stats.
 - (a) The Town Board shall schedule, notice and hold an annual meeting on the second Tuesday of April of each year in the manner provided in §60.11, Wis. Stats.
 - (b) The annual Town Meeting may set a date different than provided under (a) for the next annual Town Meeting if the date is within ten (10) days after the second Tuesday in April.
- (4) Other Meetings. The Town Board may, from time to time, or on a regular basis, schedule, notice and hold such other regular or special meetings of the Town Board as the Town Board or Town electors shall so designate in the manner provided in Sec. 60. 12, Wis. Stats.
- (5) Powers. The Town Board shall have the powers and authorities provided in Sec. 66.10, Wis. Stats., to conduct such Town meetings in the manner provided in Sec. 60.14, Wis. Stats.

2.08 FISCAL MANAGEMENT.

- (1) Fees For Services. Pursuant to the provisions of Sec. 60.44, Wis. Stats., the Town, its employees and agents are authorized to provide fees for services provided to property owners in the Town.
- (2) Payment of Certain Claims.
 - (a) The payment of a claim against the Town may be made from the town treasury if the Town Clerk approves the payment of the claim in writing as a proper charge against the town treasury. A claim against the town

treasury is a proper charge against the town treasury if the Town Clerk determines that all of the following conditions have been met:

1. Funds are available under the Town budget to pay the bill or voucher.
 2. The item or service covered by the bill or voucher has been authorized by the Town Board or an authorized Town official, agent or employee.
 3. The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 4. The claim appears to be valid.
- (b) The Town Clerk may require submission of proof to determine compliance with the conditions under Subsection (a) hereinabove prior to approval.
- (c) After determining that the conditions under Subsection (a) have been met, the Town Clerk shall indicate approval of the claim by placing his or her signature on the bill or voucher. Upon such approval the Town Clerk shall prepare and sign a check and have it countersigned by the Town Treasurer and the Town Chair, pursuant to Sec. 66.0607, Wis. Stats. The Town Clerk shall then mail or deliver the completed check to the appropriate party.
- (d) At least monthly, the Town Clerk shall file with the Town Board a written list of all claims approved pursuant to the provisions of this Section. The list shall include the date paid, the name of the claimant, the purpose and the amount authorized and paid.

CHAPTER 3

PUBLIC SAFETY

- 3.01 State Statutes Adopted
- 3.02 Disorderly Conduct Prohibited
- 3.03 Curfew; Loitering and Prowling
- 3.04 Contributing to Delinquency of Minor
- 3.05 Regulation of Weapons and Firearms
- 3.06 Regulation of Fireworks
- 3.07 Regulation of Noise
- 3.08 Speed Limits

3.01 STATE STATUTES ADOPTED. The following provisions of the Wisconsin Statutes, including all future amendments, revisions and modifications thereto are hereby incorporated herein by reference and made of part of this Code of Ordinances and subject to the penalty provisions made and provided in Section _____ hereof:

- (1) Chapter 167, Wis. Stats. Safeguard of Persons and Property
- (2) Chapter 939, Wis. Stats. Crimes - General Provisions
- (3) Chapter 940, Wis. Stats. Crimes Against Life and Bodily Security
- (4) Chapter 941, Wis. Stats. Crimes Against Public Health and Safety
- (5) Chapter 942, Wis. Stats. Crimes Against Reputation and Civil Liberties
- (6) Chapter 943, Wis. Stats. Crimes Against Property
- (7) Chapter 944, Wis. Stats. Crimes Against Sexual Morality
- (8) Chapter 945, Wis. Stats. Gambling
- (9) Chapter 946, Wis. Stats. Crimes Against Government and Its Administration
- (10) Chapter 947, Wis. Stats. Crimes Against Public Peace, Order and Other Interests
- (11) Chapter 948, Wis. Stats. Crimes Against Children
- (12) Chapter 951, Wis. Stats. Crimes Against Animals
- (13) Chapter 968, Wis. Stats. Domestic Abuse
- (14) Chapter 938, Wis. Stats. Children's Code
- (15) Chapter 961, Wis. Stats. Uniformed Control Substances Act

3.02 DISORDERLY CONDUCT PROHIBITED. No person shall within the Town in any public or private place, engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public peace or order, including, but not limited to, causing, provoking or engaging in any fight, brawl, riot or other physical altercation.

3.03 CURFEW AND LOITERING.

- (1) Definitions. The following definitions shall apply herein:

- (a) “*Curfew Hours*” shall mean that time between 11:00 p.m. and 6:00 a.m. of the following day.
 - (b) “*Emergency*” shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - (c) “*Establishment*” means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
 - (d) “*Guardian*” shall mean any person who, under court order, is a guardian of a person or a minor; or, a public or private agency with whom a minor has been placed by a court.
 - (e) “*Loiter*” shall mean remaining idle or linger in one general location or defined area.
 - (f) “*Minor*” means any person under the age of eighteen (18) years of age.
 - (g) “*Operator*” means any individual, firm, association, partnership or corporation operating, managing or conducting any Establishment with the Town. The term includes the members or partners of an association or partnership and the officer of a corporation or a limited liability company.
 - (h) “*Parent*” means a person who is a natural parent, adoptive parent, or stepparent to another person; or, a person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care or custody of a minor.
 - (i) “*Premises*” shall mean the real property on which Establishment or Public Place is located.
 - (j) “*Public Place*” means any place to which the public, or a substantial group of the public, has access and includes, but it is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
 - (k) “*Remain*” means to linger or stay; or, the failure to leave a Premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the Premises.
- (2) Curfew Violation. No minor shall remain in or on the Premises of an Establishment or a Public Place within the Town during Curfew Hours except as provided in Section 3.03(3) hereof.
 - (3) Contributing to Curfew Violation. No parent or guardian of a minor shall knowingly permit, or by insufficient control, allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours. No owner, operator or employee of an establishment shall knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
 - (4) Curfew Exceptions. The following exceptions shall apply to the curfew regulations set forth herein:
 - (a) The minor is accompanied by the minor’s parent or guardian.

- (b) The minor is on an errand at the direction of the minor's parent or guardian and is in the process of carrying out that errand without detour or deviation.
 - (c) The minor is engaged in an employment activity or going to or returning from an employment activity during the curfew hours.
 - (d) The minor is involved in an emergency situation.
 - (e) The minor is attending an official school, religious or other recreational activity supervised by adults and sponsored by the county, or by any city, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or recreational activity supervised by adults and sponsored by the county, or by any city, village, town, civic organization or other similar entity that takes responsibility for the minor.
- (5) Daytime Curfew. No minor who is subject to compulsory school attendance shall be present in any place within the Town, except in attendance at such minor's school or residence, during regular school attendance hours on days when such minor's school is in session unless such minor:
- (a) Is attending a school related function at a premises other than the minor's school of record.
 - (b) Has a written excuse from school attendance from the minor's parent or guardian.
 - (c) The minor is in the presence of the minor's parent or guardian.
- (6) Loitering Prohibited. No person shall loiter on a public or private property that is specifically posted "*No Loitering*"; or upon any public street, alley, sidewalk, street crossing, bridge, or in any other public place within the Town in such a manner as to prevent, interfere with, or obstruct the ordinary free use of such place by persons passing along and over the same.
- (7) Prowling Prohibited. No person shall loiter, stalk or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself, or manifestly endeavors to conceal himself/herself or any object.

3.04 CONTRIBUTING TO DELINQUENCY OF CHILD. No person shall knowingly encourage, entice, permit, solicit or assist a minor in or to the commission or attempted commission of any act or omission that is or would be a violation of the is Code of Ordinances or knowingly fail to take any action that would prevent a minor from the commission or attempted commission of any act that is or would be a violation of this Code of Ordinances.

3.05 WEAPONS AND FIREARMS REGULATIONS.

- (1) Definitions. For purposes of this Section, the following definitions are hereby

incorporated by reference and shall apply herein:

- (a) The definitions set forth in Section 175.60(1), Wis. Stats.
 - (b) The definitions set forth in Section 939.22, Wis. Stats.
 - (c) The definitions set forth in Sections 941.23(1), 941.24 and 941.295(1c), Wis. Stats.
 - (d) The definitions set forth in Section 943.13(1e), Wis. Stats.
- (2) Carrying Weapons. The following restrictions shall apply to the carrying of weapons or firearms within the Town.
- (a) The provisions of Sections 175.60, Wis. Stats., 941.23, Wis. Stats., and 943.13, Wis. Stats., are incorporated herein.
 - (b) No person, except authorized law enforcement personnel or a person licensed to carry a firearm or weapon under Sec. 175.60, Wis. Stats., who shall have such license on their person, shall have in their possession or under their control a firearm or weapon, as defined herein, unless such firearm or weapon is unloaded and knocked down or enclosed within a carrying case or other suitable container.
 - (c) In addition to the places identified in Sec. 175.60, Wis. Stats., where the carrying of a weapon is prohibited, including the exceptions thereto, no person, other than authorized law enforcement personnel may enter the following Village municipal buildings while carrying a weapon or firearm:
 - 1. Town Hall
 - 2. Such other public facilities or structures as shall, from time to time, be determined by the Town Board
 - (d) No person, other than authorized law enforcement personnel, shall carry a weapon upon the grounds of any Special Event, as defined in Section 943.13(1e)(h), Wis. Stats., being held upon any municipal grounds or property within the Town unless the carrying of weapons at such event is otherwise authorized and approved by the Town Board prior to such event.
- (3) Discharge of Weapons. No person may discharge a weapon or firearm within the Town unless:
- (a) The person discharging the firearm is justified in so doing or would have been subject to a defense described in Sec. 939.45, Wis. Stats., at the time of such discharge.
 - (b) The person is engaged in the act of hunting in an area designated for such activity at a time when such activity is authorized by law and the person is properly licensed and authorized to hunt at that time and location.
- (4) Signage. Signs in compliance with the provisions of Sec. 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent locations near the entrances of all building identified in sub. (4)(c) above and at the entrances to all Special Events identified in sub.(4)(d) above.
- (5) Penalties.
- (a) Persons violating the provisions of this Section shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00.
 - (b) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture of not more than \$25.00, as provided

therein; however, that the person shall be exempt from the forfeiture hereunder if, within 48 hours of the issuance of the citation for said violation, the violator presents their Sec. 175.60, Wis. Stats., licensure documentation.

3.06

REGULATION OF FIREWORKS

- (1) Definitions. For purposes hereof, "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:
- (a) Fuel or a lubricant.
 - (b) A firearm cartridge or shotgun shell.
 - (c) A flare used, possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
 - (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
 - (e) A cap containing not more than one-quarter 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.
 - (f) A toy snake which contains no mercury.
 - (g) A model rocket engine.
 - (h) Tobacco and a tobacco product.
 - (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
 - (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
- (2) Sale of Fireworks Regulated. No person may sell or possess with intent to sell fireworks, unless any of the following apply:
- (a) The person sells the fireworks, or possesses the fireworks with intent to sell them to a person holding a permit under sub. (3)(c) hereof.
 - (b) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town.
 - (c) The person sells the fireworks, or possesses the fireworks with the intent to sell them to a person who is not a resident of this state.

- (d) The person sells the fireworks, or possesses the fireworks with the intent to sell them for a purpose specified in sub. (3)(b) 2 through 6 hereof.
- (3) Use of Fireworks Regulated. No person may possess or use fireworks within the Town without a user's permit issued by the Town except as is specifically authorized under the provisions of Sections. 167.10(3), Wis. Stats. The burden of proving compliance with and authorization under Section 167.10(3), Wis. Stats., shall be the individual or entity claiming authorization or permission.
- (4) Penalty. Any individual or entity found in violation of this Section shall forfeit not more than \$1,000.00.

3.07 REGULATION OF NOISE.

(1) Definitions.

- (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" is hereby adopted and incorporated herein by reference.
- (b) Additional Definitions.
 1. "ANSI" shall mean the "American National Standards Institute".
 2. "Daytime Hours" shall mean the time between 7:00 A.M. and 10 P.M.
 3. "Light Motor Vehicle" shall mean any automobile, van, motor-cycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
 4. "Nighttime Hours" shall mean the hours between 10:00 P.M. and 7:00 A.M.
 5. "Person" shall mean any person, firm, association, co-partnership, joint venture, corporation, or any entity, public or private in nature.
 6. "Real Property Boundary" shall mean an imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(2) Limitations.

- (a) General Limitation. No person shall allow, permit or cause a noise level, as measured from a real property boundary, to exceed the following:

<u>Octave Band Frequency</u> <u>(Cylces per Second)</u>	<u>Sound</u> <u>(Decibels)</u>
0 to 75	79 dBa
76 to 150	67 dBa
151 to 300	59 dBa
301 to 600	52 dBa
601 to 1200	46 dBa
1201 to 2400	40 dBa
2401 to 4800	34 dBa
Above 4801	32 dBa

- (b) Light Motor Vehicle Limitation. No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dBA within the Town as measured from at least fifteen (15) feet from the vehicle.
 - (c) Electrical Sound Amplification. During nighttime hours, no person may operate a radio, jukebox, or other electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the real property boundary of the property from which the sound is emanating.
- (3) Measurement. When required pursuant to his ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.
- (4) Exemptions. The following activities shall be exempt from the noise regulations, prohibitions and limitations under this Section provided that reasonable steps are taken to minimize the noise emitted:
- (a) Construction Sites, Public Utility Projects, Public Works. The limitations, as set forth in Subsection (2) hereof, shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise therefrom shall be minimized through proper equipment operations and maintenance; provided, however, that stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.
 - (b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.
 - (c) Noises Required By Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.
 - (d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.
 - (e) Bells and Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.
 - (f) Warning Device. Any device being used to request assistance or warn against an unsafe condition.
- (5) Variances.
- (a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.
 2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Town Clerk, at least 30 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Town. A special variance permit may be granted when the Town Board finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.
 3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted.
- (b) Conditional Variances.
1. General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this ordinance for technical or economic reasons.
 2. Application. The Town Board, may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the Town Clerk not less than 30 days prior to commencement of sound producing operations.
 3. Hearing. The application shall be publicly heard before the Town Board. The applicant may be required to submit such additional information as the Committee reasonably requires.
 4. Issuance. Conditional variances shall not be issued until the applicant has agreed, in writing, to the conditions therein.
 5. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity.
 6. Bonding. The Town Board may require the applicant to post a performance bond prior to issuing the variance.

3.08 SPEED LIMITS

- (1) 45 Mile Per Hour Limit. The following roads shall have a speed limit of 45 miles per hour:
 - (a) All Town Roads South of County "S"

- (b) Gary Alberts Lane – entire length
- (c) Sandy Alberts Lane – entire length
- (2) 35 Mile Per Hour Limit. The following roads shall have a speed limit of 35 miles per hour:
 - (a) Yurek Road – entire length, Highway “32” to County “S”
 - (b) Karen Lane – entire length
 - (c) Brown County Line Road – from Village of Pulaski, east one (1) mile
- (3) 25 Mile Per Hour Limit. The following roads shall have a speed limit of 25 miles per hour:
 - (a) Franks Lane – entire length
 - (b) Pleasantview Drive – entire length
 - (c) Saindon Road – entire length

CHAPTER 4

PUBLIC WELFARE

- 4.01 Public Nuisance
 - 4.02 (RESERVED)
 - 4.03 Alcohol Beverage Regulations
 - 4.04 (RESERVED)
 - 4.05 Animal Control Regulations
-

4.01 PUBLIC NUISANCE.

- (1) Public Nuisances Prohibited. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Chase.
- (2) Definitions.
 - (a) “Public Nuisances” shall mean a thing, act, occupation, condition or use of property which shall continue for such length of times as to:
 - 1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
 - 2. In any way render the public insecure in life or in the use or property.
 - 3. Greatly offend the public morals or decency.
 - 4. 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.
 - (b) “Public Nuisances Affecting Health”. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection “A” of this section.
 - 1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - 2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - 3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats, or other vermin breed.
 - 4. All stagnant water in which mosquitoes, flies or other insects can multiply.
 - 5. Garbage cans which are not fly-tight.
 - 6. All noxious weeds and other rank growth of vegetation.
 - 7. All animals running at large.

8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 9. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage or other substances.
 10. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors or stenches extremely repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
 11. All abandoned wells not securely covered or secured from public use.
 12. Any obstruction in or across any watercourse, drainage ditch or swale.
 13. The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance.
- (c) “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 subsection (a) of this section.
1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or restored to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
 2. All gambling devices and slot machines.
 3. All places where intoxicating liquor or fermented malt beverages are sold, brewed, bottled, manufactured or rectified without a permit or license as provided by the Town.
 4. Any place or premises where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
 5. 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 the Ordinances of the Town.
- (d) “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 provisions of subsection (a) of this section.

1. All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.
2. 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.
3. All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to materials and manner or construction of buildings and structures within said district.
4. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of the public highway or railway crossing.
5. 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.
6. All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than ten (10) feet over the surface of a public street.
7. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
8. All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
9. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
10. All loud, discordant and unnecessary noises or vibrations of any kind tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of the same cannot be prevented and is necessary for the protection and preservation of the health, safety, life or limb of some person.
 - a. No person occupying or having charge of any building or premises shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound making or reproducing device or machine which load, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.
 - b. No person shall use or operate in any public street or place or in front of or outside of any building, place or premise or in or through any window, doorway or opening of any

building adjacent to any public street or place any device, apparatus or instrument for the amplification of the human voice or sound or noise or other sound making or sound reproducing device. No person shall make for the purpose of advertising any immoderate or excessive use of the voice of any bell, gong, horn, instrument, article or device.

- c. No person operating or having charge of or occupying any building or premises shall keep or allow to be kept any animal or bird which shall habitually, by any noise, disturb the peace and quiet of any person in the vicinity thereof.
- d. No person shall park or leave standing for more than fifteen (15) minutes in any street in the Town a vehicle containing livestock, live fowl or other living animals.
- e. Nothing in this section shall apply to the use of loud speaking or amplifying systems as follows:
 - 1. By a school when used in connection with an educational, athletic, entertaining or recreational purpose.
 - 2. By a church when used in connection with an educational, religious or recreational activity.
 - 3. Within a public park of the Town subject to the rules and regulations of the Park Board.
 - 4. The using of loud speaking or amplifying systems after registering with the Police Department as follows:
 - (a) An amplifying system may be used on the public streets of the Town between the hours of 9:00 a.m. and 9:00 p.m., provided such use does not interfere or annoy any religious, educational or recreational gathering and is not audible to the human ear for the distance of more than 300 feet. The use shall at all times be under the jurisdiction of the Police Department who are hereby given the authority to restrain the use if, in their opinion, the same is a public nuisance or a public annoyance.
 - (b) An amplifying system may be used in front of or outside a building between the hours of 9:00 a.m. and 9:00 p.m. provided that the same is not audible to the human ear at a distance of 100 feet. If the use becomes a public nuisance to disturb the peace and quiet of any persons, the use shall be discontinued.

11. 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 Town
 12. The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
 13. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 14. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
 15. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
 16. Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
 17. Any structure, material or condition which constitutes a fire hazard or will impair extinguishing of any fire.
 18. Any and all excavations, including basements, which have been abandoned or for which a building permit has become null and void, or which permit has been revoked by the Zoning Administrator.
 19. Any nuisance so defined by the Wisconsin Statutes.
- (e) "Smoke".
1. Dense Smoke - The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited.
 2. Stationary Engine – The owner, lessee or occupant of any building, or the fireman, engineer or any other person having charge or control of any furnace or stationary engine, who shall cause, permit or allow dense smoke to issue or to be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town, shall be guilty of creating a public nuisance and of violating the provisions of this section.
 3. All Soot Prohibited – The emission of soot, cinders or coal dust from any chimney, stock, furnace or from any building within the Town, is hereby declared to be a public nuisance and is prohibited.

- (f) “Storage of Junk”. No person shall store junk or discarded property including old, unused junk and automobiles not in good, safe operating condition, and any other vehicles or personal property of any kind or automobile parts, trucks, tractors, machinery, machinery implements or machinery parts, refrigerators, furnaces, washing machines, stoves, wood, bricks, cement blocks or other unsightly debris which is no longer safely usable for the purpose for which it was manufactured, and/or which substantially depreciates property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town. A violation of this section is declared a public nuisance.
- (3) Abatement of Public Nuisances.
 - (a) “Inspection of Premises”. Whenever a complaint is made to the Town Board that a public nuisance exists, they shall designate an elected or appointed public officer who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Town Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
 - (b) “Summary Abatement”.
 1. Notice to Owner – If the inspecting officer shall determine that a public nuisance exists on private property, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman or other person designed by the Town Board may serve notice on the owner; or if the owner cannot be found, on the occupant or person causing, permitting or maintained such nuisances, and post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same.
 2. Abatement by Town – If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the Town Board shall cause the abatement or removal of such nuisance.
 - (c) “Abatement by Court Action”. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in the

Circuit Court for Oconto County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.

- (4) Cost of Abatement. In addition to any other penalty imposed by this code for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as special taxes.
- (5) Penalties.
 - (a) "Forfeiture and Costs". The penalty for violation of any provision of this Ordinance shall be a forfeiture of not less than \$5.00 nor more than \$500.00, together with the actual costs of prosecution, including attorney fees. Each day of continuing violation shall constitute a separate offense.

4.02 RESERVED

4.03 ALCOHOL BEVERAGE REGULATIONS.

(1) Incorporation of State Statutes. The provisions of Chapter 125 and §48.344 and §778.25 of the Wisconsin Statutes, relating to the sale of intoxicating liquor and fermented malt beverages, are hereby adopted by reference and made a part of the Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Chapter.

- (2) License Required.
 - (a) 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, wine or fermented malt beverage, including wine cooler products, in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto, except as provided by Sections 125.06, 125.25, 125.26, 125.27, 125.28 and 125.51 of the Wisconsin Statutes.
 - (b) License Application. Applications for intoxicating liquor or fermented malt beverage licenses under this Chapter shall be obtained from the Office of the Town Clerk.
 - (c) Fees.
 - 1. Application Fees. Applicants for a license under this Chapter shall also pay all actual publication and notice expenses and such

administrative and processing charges as the Town may, from time to time, establish by resolution.

2. License Issuance Fees. The fees for the issuance of intoxicating liquor or fermented malt beverage licenses under this Chapter shall be set by the Town Board by resolution.

(3) Approval And Issuance of Licenses.

(a) License Approval. The approval of any license authorized under this Chapter shall be subject to the conditions and requirements of the applicable State Statutes and to approval by majority vote of the Town Board.

(b) Issuance of Licenses. The issuance of any license authorized under this Chapter shall be subject to the provisions of Sec. 4.03(3)(a) of this Chapter and to the following:

1. Delinquent Taxes, Fees or Assessments. No license shall be granted for operation hereunder on any premises for which any taxes or assessments or other financial claims of the Town are delinquent and unpaid.
2. Code Compliance. 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 County Health Regulations applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex, and must conform to all Town ordinances. Each applicant's proposed licensed premises shall be subject to an inspection prior to issuance of the license by the designees of the Town Board.

(4) Posting Licenses; Defacement.

(a) Licensed To Be Posted. All licenses issued under this Chapter shall be 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) License Defacement Prohibited. 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.

(5) Conditions of License. All licensees hereunder do virtue of their acceptance of the issuance of a license under this Chapter consent to the following:

- (a) Consent to Entry. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the Town 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 Town 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) No Employment of Minors. With the exceptions of hotel and restaurant operations, no retail Class "B" or Class "C" licensee shall employ any person under eighteen (18) years of age. Notwithstanding the foregoing, a member of the licensee's immediate family under the age of 18 may serve alcoholic beverages where otherwise allowed to by state law.
 - (c) Disorderly Conduct Prohibited. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
 - (d) Licensed Operator On Premises. There shall be upon premises operated under a Class "B" or Class "C" license, at all times, the licensee or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner serving, any fermented malt beverages to customers. No member of the immediate family of the licensee under the age of eighteen (18) years shall serve as a waiter for, or in any other manner serve, any fermented malt beverages to customers unless an operator eighteen (18) years of age or over is present upon and in immediate charge of the premises. No person other than the licensee shall serve fermented malt beverages in any place operated under a Class "B" license unless he or she possesses an operator's license, who is at the time of such service upon said premises.
 - (e) Compliance with Health and Sanitation Regulations. The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all Class "B" liquor licenses and Class "C" licenses issued under this chapter. No Class "B" or Class "C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- (6) Hours of Operation.
- (a) Class "A" Premises. Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 12:00 midnight and 6:00 a.m.
 - (b) "Class A" Premises. No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9:00 p.m. and 8:00 a.m.
- (7) Transfer of License; Lapse of License.
- (a) Transfer of License. Subject to and in accordance with the provisions of Sec. 125.04(12), Wis. Stats., a premises license issued hereunder shall be transferable from one premises to another if such transfer is first approved by the Town Board. Proceedings for such transfer shall be had in the same form and manner as the original application. The fee for such transfer is \$10.00. Whenever a license is transferred the Town Clerk shall forthwith notify the State Treasurer of such transfer.
 - (b) Transfer of Corporate Agent. Whenever the agent of a corporate holder of a license is, for any reason, replaced, the licensee shall give the Town Clerk written notice of said replacement, the reasons therefore and the new name of the agent. Until the next regular meeting or special meeting of the Town 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 Clerk of notice of disapproval of the successor agent by the Wisconsin Department of Revenue, which notice shall be served on the licensee. The corporation's license shall cease to be valid after receipt of such notice and the corporation shall suspend all operations otherwise permitted by such license until the successor agent or another qualified agent is appointed and approved by the Village and the Wisconsin Department of Revenue.

- (c) Lapse. Whenever any licensee under this Chapter shall not conduct his licensed business at the authorized location for a period of six (6) consecutive months, the license issued to him shall lapse and become void, unless such six months period shall be extended by the Town Board.

(8) Special Class "B" Fermented Malt Beverage Picnic or Special Event License Restrictions. The grant of a special Class "B" fermented malt beverage license or a special event license hereunder to groups or organizations shall be subject to the following conditions of license:

- (a) Licensed Operator on Premises. There shall be at least one person properly licensed as an operator under the provisions of this Chapter on the premises at all times to supervise the service of beverages.
- (b) Code Compliance. Holders of the license hereunder shall fully comply with all provisions of this Code and the state statutes.
- (c) Indoor Event Conditions. For indoor events, the structure used must have suitable exits and open spaces to accommodate anticipated attendance. The venue shall contain adequate sanitary facilities to accommodate the size of the group.

(9) Operators Licenses.

- (a) Operator's License Required. The licensee, or some other person who shall have an operator's license and who shall be responsible for the acts of all persons serving or selling any intoxicating liquor or fermented malt beverages to customers shall be on the premises operated under a Class "A" or Class "B" intoxicating liquor license, Class "B" fermented malt beverage license, or Class "C" wine license, at all times. No person other than the licensee shall serve or sell fermented malt beverages or intoxicating liquor in any place operated under the Class "A" or Class "B" licenses or Class "C" wine license unless he shall possess an Operator's License issued by the Town hereunder or unless he shall be under the immediate supervision of the licensee or a person holding an operator's license who shall be upon the premises at the time of such service. State Law Reference: §125.17, Wis. Stats.
- (b) Application Procedure. The Town Board may issue an Operator's License to qualified individuals eighteen (18) years of age or older, on application forms to be obtained from the Town Clerk. An Operator's Licenses issued hereunder shall be operative only within the boundaries of the Town.
- (c) Term of License . The term of an Operator's License issued under the provisions of this Chapter shall be for a period of no more than two (2)

years from the date of issuance and shall expire on the 30th day of June of the next subsequent calendar year after the year of issuance.

- (d) License Fee. The fee for an Operator's License shall be \$20.00, which fee shall be prepaid at time of the filing of the application and shall be non-refundable.
 - (e) Issuance of License. Upon approval of the Operator's License Application by the Town Board the License shall be issued by the Town Clerk. 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.
 - (f) Display of License. Operator's Licenses issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses alcoholic beverages.
- (10) Suspension, Revocation and Non-Renewal.
- (a) Notice and Hearing. No license issued hereunder shall be suspended, revoked or not renewed without first affording the license holder an opportunity for a public evidentiary hearing.
 - (b) Hearing Forum. Any hearing for suspension, revocation or non renewal of a license under this Chapter shall be held and conducted by and before the Town Board.
 - (c) Complaint. Any resident of the Town may file a sworn written complaint with the Clerk alleging that a person holding a license issued under this Chapter has violated the provisions of this Chapter or the regulations adopted under §125.10, Wis. Stats.; keeps or maintains a disorderly or riotous, indecent or improper house; has sold or given away alcohol beverages to known habitual drunkards; or, does not possess the qualifications required under this Chapter to hold the license.
 - (d) Summons. Upon the filing of Complaint under Section 4.03(10)(c) the Town Board shall, within thirty (30) days of the receipt thereof set a hearing date and issue a summons, signed by the Clerk. The summons shall command the licensee complained of to appear before the Town Board on a day and place named in the summons, not less than three (3) days and nor more than ten (10) days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided for service in civil actions in circuit court.
 - (e) Hearing Process.
 - 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the complaint is found to be true, the license shall either be suspended for not less than ten (10) days nor more than ninety (90) days or revoked.
 3. The provisions of Sec. 125.12, Wis. Stats., shall govern the conduct of the hearing hereunder.
- (f) Effect of Revocation. When a license is revoked under this subsection, the revocation shall be recorded by the Clerk and no other license issued under this Chapter may be granted within twelve (12) months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.
- (g) Non- Renewal. The Town Board may refuse to renew a license under this Chapter for the causes provided in Sec. 4.03(10)(c) hereof. Prior to the time for the renewal of the license, the Board shall notify the licensee, in writing, of the Board's intention not to renew the license and provide the licensee with an opportunity for a hearing. The hearing shall be conducted as provided in 4.03(10)(e).

4.04 RERSERVED

4.05 ANIMAL CONTROL REGULATIONS.

- (1) Definitions.
- (a) “*Exotic Animal*” shall mean any of those species of animal that are not domesticated by humans. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the Prohibited Animal List as adopted by the Town Board.
 - (b) “*Person*” shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
 - (c) “*Possess*” shall mean to own, possess, keep, harbor, bring into the city, act as a custodian, or have custody or control of an animal.
- (2) Prohibited Animal List. The following orders and families, whether bred in the wild or in captivity, and any or all hybrids shall be defined as “Exotic Animals” pursuant to Sec. 4.05(1)(a) above. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
- (a) Class Mammalia.
 1. Order Chiroptera. (Any bat species)
 2. Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer)
Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.
 3. Order Carnivora.

- a. Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.
 - b. Family Canidae. (Wolves, coyotes, foxes, jackals) Excluding domestic dogs.
 - c. Family Ursidae. (All bears)
 - d. Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.
 - e. Family Procyonidae. (Raccoons, coatis)
 - f. Family Hyaenidae. (Hyenas)
 - g. Family Viverridae. (Civets, genets, mongooses)
 - 4. Order Edentata. (Anteaters, armadillos, sloths)
 - 5. Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)
 - 6. Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, donkeys and mules).
 - 7. Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
 - 8. Order Proboscidea. (Elephants)
 - 9. Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, mice, gerbils, and hamsters.
- (b) Class Reptilia.
- 1. Order Squamata.
 - a. Family Helodermatidae. (Gila Monsters and Mexican breaded lizards)
 - b. Family Varanidae. (Any monitor which will normally grow over two feet in length)
 - c. Family Iguanidae. (Only green iguanas and rock iguanas)
 - d. Family Boidae. (All species whose adult length may exceed eight feet)
 - e. Family Colubridae. (Boomsnangs and African twig snakes)
 - f. Family Elapidae. (Coral snakes, cobras, mambas)
 - g. Family Nactricidae. Only keelback snakes
 - h. Family Viperidae. (Copperheads, cottonmouths, rattle-snakes)
 - 2. Order Crocodylia. (Crocodiles, alligators, caimans, gavials)
- (c) Class Aves.
- 1. Order Falconiformes. (Eagles, hawks, vultures)
 - 2. Order Rheiformes. (Rheas)
 - 3. Order Strigiformes. (Owls)
- (d) Class Arachnida.
- 1. Order Scorpiones.
 - a. Family Buthidae.
 - b. Arabian fat-tailed scorpion - *Androctonus crassicauda*
 - c. Arizona centruroides scorpion - *Centruroides exilicauda*
 - d. Death stalker - *Leiurus quinquestriatus*
 - e. Egyptian yellow scorpion - *Androctonus amoreuxi*

- f. Israeli black scorpion - *hottentotta judaicus*
 - g. S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*
 - h. Sinai desert scorpion - *Androctonus bicolor*
 - i. Yellow desert scorpion - *Androctonus Australia*
2. Order Araneae, Family Therididae.
 - a. Argentina red widow spider - *Latrodectus coralinus*
 - b. Brown widow spider - *Latrodectus geometricus*
 - c. Red-black widow - *Latrodectus hasselti*
 - d. Red widow spider - *Latrodectus bishop*
 - e. Southern black widow spider - *Latrodectus mactans*
 - f. Western widow - *Latrodectus Hesperus*
 3. Order Araneae, Family Loxoscelidae, Brown recluse spider - *Loxosceles reclusa*.
- (e) Class Chilopoda.
1. Order Scolopendromorpha, Family Scolopendridae.
 - a. Amazon giant banded centipede - *Scolopendra giganea*
 - b. Arizona Tiger Centipede - *Scolopendra viridis*
 - c. Florida keys centipede - *Scolopendra alternans*
 - (f) Other. Any Federal or State endangered or threatened species.
- (3) Keeping Exotic Animals Prohibited. No person may keep, possess or maintain within the Town any animal or fowl identified as an “exotic animal” under this Section unless an exception is specifically granted by the Town Board after receipt of an application therefore and a public hearing thereon.
- (4) Animals to be Confined. No person, owner, or custodian shall permit any animal (including fowl) to be at large within the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal, or such other personal attention as will reasonably control the conduct and actions of the animal.
- (5) Mistreatment of Animals Prohibited. No person, owner, or custodian of an animal shall permit any animal (including fowl) to be left unattended within the Town or shall otherwise mistreat or abuse any animal. Unattended animals shall include those animals which are crated, penned or leashed, or contained within an area secured by a fence appropriate for the size of the animal and left without adequate food, water or shelter. The provisions of Chapter 173, Wis. Stats., are incorporated herein and enforceable hereunder.

CHAPTER 5

PUBLIC NUISANCES

- 5.01 Public Nuisance Prohibited
 - 5.02 Definitions
 - 5.03 Abatement of Public Nuisances
 - 5.04 Penalties
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5.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance, *as defined in Section 5.02 hereof*, within the Town of Chase.

5.02 DEFINITIONS. For purposes of this Chapter the following definitions shall apply:

- (1) “Public Nuisances” shall mean a thing, act, occupation, condition or use of property which shall continue for such length of times 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 or 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
- (2) “Public Nuisances Affecting Health”. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Subsection (1)” of this Section.
 - (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (b) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats, or other vermin breed.
 - (d) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (e) Garbage cans which are not fly-tight.
 - (f) All noxious weeds and other rank growth of vegetation.
 - (g) All animals running at large.
 - (h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town in such quantities as to endanger the health

of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

- (j) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, refuse, garbage or other substances.
 - (k) Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors or stenches extremely repulsive to the physical senses or ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
 - (l) All abandoned wells not securely covered or secured from public use.
 - (m) Any obstruction in or across any watercourse, drainage ditch or swale.
 - (n) The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance.
- (3) “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 Subsection (a) of this Section.
- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or restored to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
 - (b) All gambling devices and slot machines.
 - (c) All places where intoxicating liquor or fermented malt beverages are sold, brewed, bottled, manufactured or rectified without a permit or license as provided by the Town.
 - (d) Any place or premises where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
 - (e) 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 the Ordinances of the Town.
- (4) “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 provisions of Subsection (a) of this Section.
- (a) All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.
 - (b) 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.
 - (c) All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town relating to

materials and manner or construction of buildings and structures within said district.

- (d) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of the public highway or railway crossing.
- (e) 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.
- (f) All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than ten (10) feet over the surface of a public street.
- (g) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
- (h) All buildings or structures so old, dilapidated or out of repair so as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface of the street or ground.
- (j) All loud, discordant and unnecessary noises or vibrations of any kind tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and the continuing of the same cannot be prevented and is necessary for the protection and preservation of the health, safety, life or limb of some person.
 1. No person occupying or having charge of any building or premises shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical sound making or reproducing device or machine which load, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.
 2. No person shall use or operate in any public street or place or in front of or outside of any building, place or premise or in or through any window, doorway or opening of any building adjacent to any public street or place any device, apparatus or instrument for the amplification of the human voice or sound or noise or other sound making or sound reproducing device. No person shall make for the purpose of advertising any immoderate or excessive use of the voice of any bell, gong, horn, instrument, article or device.
 3. No person operating or having charge of or occupying any building or premises shall keep or allow to be kept any animal or bird which shall habitually, by any noise, disturb the peace and quiet of any person in the vicinity thereof.
 4. No person shall park or leave standing for more than fifteen (15) minutes in any street in the Town a vehicle containing livestock, fowl or other living animals.

5. Nothing in this section shall apply to the use of loud speaking or amplifying systems as follows:
 - a. By a school when used in connection with an educational, athletic, entertaining or recreational purpose.
 - b. By a church when used in connection with an educational, religious or recreational activity.
 - c. Within a public park of the Town subject to the rules and regulations of the Park Board.
 - d. The using of loud speaking or amplifying systems after registering with the Town as follows:
 1. An amplifying system may be used on the public streets of the Town between the hours of 9:00 a.m. and 9:00 p.m., provided such use does not interfere or annoy any religious, educational or recreational gathering and is not audible to the human ear for the distance of more than 300 feet. The use shall at all times be under the jurisdiction of the Town who are hereby given the authority to restrain the use if, in their opinion, the same is a public nuisance or a public annoyance.
 2. An amplifying system may be used in front of or outside a building between the hours of 9:00 a.m. and 9:00 p.m. provided that the same is not audible to the human ear at a distance of 100 feet. If the use becomes a public nuisance to disturb the peace and quiet of any persons, the use shall be discontinued.
- (k) 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 Town
- (l) The obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (m) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (n) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from the inside by a small child.
- (o) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

- (p) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.
 - (q) Any structure, material or condition which constitutes a fire hazard or will impair extinguishing of any fire.
 - (r) Any and all excavations, including basements, which have been abandoned or for which a building permit has become null and void, or which permit has been revoked by the Zoning Administrator.
 - (s). Any nuisance so defined by the Wisconsin Statutes.
- (5) “Dense Smoke”. The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited
- (a) Stationary Engine – The owner, lessee or occupant of any building, or the fireman, engineer or any other person having charge or control of any furnace or stationary engine, who shall cause, permit or allow dense smoke to issue or to be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town, shall be guilty of creating a public nuisance and of violating the provisions of this section.
 - (b) All Soot Prohibited – The emission of soot, cinders or coal dust from any chimney, stock, furnace or from any building within the Town, is hereby declared to be a public nuisance and is prohibited.
- (6) “Storage of Junk”. No person shall store junk or discarded property including old, unused junk and automobiles not in good, safe operating condition, and any other vehicles or personal property of any kind or automobile parts, trucks, tractors, machinery, machinery implements or machinery parts, refrigerators, furnaces, washing machines, stoves, wood, bricks, cement blocks or other unsightly debris which is no longer safely usable for the purpose for which it was manufactured, and/or which substantially depreciates property values in the neighborhood, except in an enclosure which houses such property from public view, or upon permit issued by the Town. A violation of this section is declared a public nuisance.

5.03 ABATEMENT OF PUBLIC NUISANCES.

- (1) “Inspection of Premises”. Whenever a complaint is made to the Town Board that a public nuisance exists, they shall designate an elected or appointed public officer who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Town Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
- (2) “Summary Abatement”. If the inspecting officer shall determine that a public nuisance exists on private property, and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman or other person designed by the Town Board may serve notice on the owner; or if the owner cannot be found, on the occupant or person causing, permitting or maintained such nuisances, and post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is

so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same.

- (3). “Abatement by Town” If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the Town Board shall cause the abatement or removal of such nuisance.
- (4) “Abatement by Court Action”. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Board who shall cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court for Oconto County in accordance with the provisions of Chapter 823 of the Wisconsin Statutes.
- (4) “Cost of Abatement”. In addition to any other penalty imposed by this Code for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as special taxes.

5.04 PENALTIES. *The owner, occupant or person causing, permitting or maintaining a public nuisance within the Town shall be subject to the following penalties, in addition to any and all other sanctions made and provided under this Code for such nuisance:*

- (1) “Forfeiture and Costs”. The penalty for violation of any provision of this Ordinance shall be a forfeiture of not less than \$5.00 nor more than \$500.00, together with the actual costs of prosecution, including attorney fees. Each day of continuing violation shall constitute a separate offense.
- (2) “Injunctive Relief”. *In addition to the foregoing the Town shall be entitled to pursue injunctive relief to secure the abatement of any public nuisance within the Town.*

CHAPTER 6

LICENSES, PERMITS AND FEES

- 6.01 Building Permits
 - 6.02 Driveway Permits
 - 6.03 Flammable Liquids Storage Tanks
 - 6.04 Blasting Permit
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- 6.01 BUILDING PERMITS. No person shall alter, in excess of \$500.00 value, in any twelve month period, build, add onto or alter any building with the scope of this ordinance without first obtaining a building permit for such work from the Building Inspector. The Building Permit fees shall be as prescribed in Sec. 9.02.
- 6.02. DRIVEWAY PERMITS. No person may construct a new driveway; or, improve, modify or rework an existing driveway which changes the driveway grade or location without first obtaining a permit from therefore from the Building Inspector. The Driveway Permit Fee shall be as prescribed in Sec. 9.05.
- 6.03 FLAMMABLE LIQUIDS STORAGE TANKS.
- (1) Permit Required. *No person may install or remove an underground or above ground storage tank intended to hold flammable liquid without a permit under the provisions of Chapter 10 hereof.*
 - (2) Permit Fees. The Permit Fees, to be collected by the Building Inspector, for the installation or removal of underground or above ground storage tanks shall be the following:
 - (a) 0 to 1000 gal. = \$45.00
 - (b) 1001 to 3000 gal. = \$60.00
 - (c) 3001 to 5000 gal. = \$75.00
 - (d) 5001 or more = \$90.00
- 6.04 BLASTING PERMIT. No person shall engage in explosive or blasting activities within the Town without first obtaining a Blasting Permit from the Town under the provisions of Chapter 7 hereof.

CHAPTER 7

EXPLOSIVES AND BLASTING REGULATIONS

- 7.01 Purpose of Chapter
 - 7.02 Definitions
 - 7.03 Regulation of Explosive Materials and Blasting
 - 7.04 Temporary Permits
 - 7.05 Regulation of Blasting Resultants
 - 7.06 Monitoring
 - 7.07 Preblast Survey and Notification
 - 7.08 Enforcement and Penalties
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7.01 PURPOSE OF CHAPTER. The purpose of this Chapter is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or a nuisance to persons or property within the Town.

7.02 DEFINITIONS. The following definitions shall apply in this Chapter. Terms not herein defined shall be understood to have their usual and ordinary dictionary meaning:

- (1) “*Airblast*” shall mean an airborne shock wave resulting from the detonation of explosives.
- (2) “*Approved*” means approval granted by the Town of Chase.
- (3) “*Blaster*” means any individual holding a valid blaster’s license issued by the Wisconsin Department of Industry, Labor and Human Relations.
- (4) “*Blasting Business*” means any individual, corporation, company, association, firm, partnership, society or joint stock company engaged in a blasting operation.
- (5) “*Blasting*” means any method of loosening, moving or shattering masses of solid matter by use of an explosive.
- (6) “*Blasting Operation*” shall mean any operation, enterprise or activity involving the use of blasting.
- (7) “*Blasting Resultants*” means the physical manifestations of forces released by blasting, including, but not limited to, projectile matter, vibration and concussion, which might cause injury, damage or unreasonable annoyance to persons or property located outside the controlled blasting site area.
- (8) “*Community*” means a built-up inhabited area.
- (9) “*Permitted Explosives Use Area*” means the area that surrounds a blasting site and:
 - (a) Is owned by the operator; or
 - (b) With respect to which, because of property ownership, employment

relationship or agreement with the property owner, the operator can take reasonably adequate measures to exclude or to assure the safety of persons and property.

- (10) “*Detonator*” means any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and non-electric instantaneous and delay blasting caps.
- (11) “*Department*” means the Wisconsin Department of Industry, Labor and Human Relations.
- (12) “*Electric Blasting Cap*” means a blasting cap designed for, and capable of, initiation by means of an electric current.
- (13) “*Explosion*” means the substantially instantaneous release of both gas and heat.
- (14) “*Explosive*” means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion unless the compound, mixture or device is otherwise classified by the Department by rule.
- (15) “*Explosive Materials*” means explosives, blasting agents and detonators. The term includes, but is not limited to, dynamite and other high explosives, slurries, emulsions, water gels, blasting agents, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.
- (16) “*Flyrock*” means rock that is propelled through the air from a blast.
- (17) “*Ground Vibration*” means a shaking of the ground caused by the elastic wave emanating from a blast.
- (18) “*Highway*” means any public street, public alley or public road.
- (19) “*Inhabited Building*” means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store or other structure where people are accustomed to assemble, except any building or structure occupied in connection with the manufacture, transportation, storage or use of explosive materials.
- (20) “*Nuisance*” means an excessive, repeated noise, action or other disturbance that would cause an unreasonable annoyance.
- (21) “*Particle Velocity*” means any measure of ground vibration describing the velocity at which a particle of ground vibrates when excited by a seismic wave.
- (22) “*Person*” means any individual, corporation, company, association, firm, partnership, society or joint stock company.
- (23) “*Powder Factor*” means any ratio between the amount of powder loaded and the amount rock broken.
- (24) “*Primer*” means a capped fuse, electric detonator or any other detonating device inserted in or attached to a cartridge of detonator sensitive explosive.
- (25) “*Stemming*” means the inert material, such as drill cutting, used in the collar portion or elsewhere of a blast hole to confine the gaseous products of detonation.

7.03 REGULATION OF EXPLOSIVE MATERIALS AND BLASTING.

- (1) General. No person shall handle or use explosive materials in the Town of Chase unless he:
 - (a) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.
 - (b) Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including, but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.
- (2) Permit. No person shall handle, use or cause explosives to be detonated within the Town of Chase without an explosives use permit issued by the Town of Chase as hereafter set forth, to such person, his supervisor or employer.
 - (a) **Applications.** Applications for an explosives use permit shall be in writing upon forms provided by the Town Clerk. Applications shall be accompanied by a permit fee in an amount set from time to time by resolution of the Town Board. Permits shall be issued on an annual basis commencing January 1 and ending on December 31. All explosives use permits applied for after January 1 shall be pro-rated from the date of the issuance of the permit through the end of the year. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Town of Chase. In the discretion of the Board, the permit fee may be waived upon showing of acceptable hardship by the applicant. All applications for reissuance and renewal for an explosives use permit shall be filed by the permittee with the Town Clerk of the Town of Chase within sixty (60) days before the expiration date of the previous permit along with the annual permit fee, which fee will be set by resolution of the Town Board.
 - (b) **Certificate of Insurance.** Each application for an explosives use permit as herein stated, or renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability Policy. Said Policy of Insurance shall have limits of coverage of not less than One Million (\$1,000,000.00) Dollars in the aggregate and Five Hundred Thousand (\$500,000.00) Dollars per occurrence. The Town shall be named as an additional insured on applicant's Policy of Liability Insurance.
 - (c) **Explosives Use Plan.** Each application for an explosives use permit, or a renewal thereof, shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of not less than one (1) inches equals four hundred (400) feet and having an overlaying grid of fifty (50) feet by fifty (50) feet which accurately includes all areas and

inhabited buildings within one thousand (1000) feet of all proposed blasting areas.

- (d) **Blasting Notification.** Before any blasting operation may be conducted within the Town of Chase, the blaster shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operation. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. In addition, verbal or written notice of the blasting operation shall be given to the Town Clerk of the Town of Chase at least 24 hours prior to commencement of blasting operations.
- (e) **Hours of Operation.** Blasting shall only be conducted between 9:00 a.m. and 4:00 p.m. on Monday through Friday; provided, however, that in the event an emergency has delayed a blast beyond 4:00 p.m., loaded holes may be blasted within a reasonable time thereafter. Blasting shall not be conducted at other times or on Sundays or legal holidays without written permission from the Town Board, which shall only be granted upon a showing of extreme need.
- (f) **Blasting Log.** An accurate blasting log shall be prepared and maintained for each blast fired, and a true and complete copy of said log shall be supplied to the Town Clerk within seven (7) working days of the initiation of the blast. The Town may require that the permittee furnish to the Town an analysis of any particular blasting log to be prepared by the permittee. In the event the permittee cannot or will not prepare a reliable analysis, the Town may obtain such analysis from an independent expert. The permittee shall be liable for the reasonable cost of such analysis if it is determined, after an opportunity to be heard, that this ordinance was violated by the permittee. Each blasting log shall include, but not be restricted to, the following information:
 - 1. Name and license number of blaster in charge of blast;
 - 2. Blast location with grid coordinate reference to the supplied aerial photograph or a drawing of the explosives use area;
 - 3. Date and time of blast;
 - 4. Weather conditions at time of blast;
 - 5. Diagram and cross-section of blast hole layout;
 - 6. Number of blast holes;
 - 7. Blast hole depth and diameter;
 - 8. Spacing and burden of blast holes;
 - 9. Maximum holes per delay;
 - 10. Maximum pounds of explosives per delay;
 - 11. Depth and type of stemming used;
 - 12. Total pounds of explosives used, including primers and initiating cord;
 - 13. Distance to nearest inhabited building not owned by permittee;
 - 14. Type of initiation system used;
 - 15. Seismographic and airblast information, which shall include:
 - a. Type of instrument and last calibration date;
 - b. Exact location of instrument and date, time and distance

- from the blast;
 - c. Name and company affiliation of person taking reading;
 - d. Name of the person and firm analyzing the seismographic and airblast data when required; and
 - e. Vibrations and airblast levels recorded.
 - f. Copy of the seismograph printout.
- (3) No permittee shall be required to obtain more than one (1) permit annually for its operations within the Town of Chase.

7.04 TEMPORARY PERMITS. The Town Clerk, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for duration of fourteen (14) consecutive working days. The temporary permit fee shall be Two Hundred Dollars (\$200.00) and shall be submitted with the completed temporary permit application form. Only one (1) temporary permit can be issued for any given site within the year of permit issuance. Temporary blasting for basements, sewer and water laterals for single family residential construction will not require a temporary permit under this section.

7.05 REGULATION OF BLASTING RESULTANTS.

- (1) Purpose of Sections. It is the purpose of this Section to provide for the establishment of uniform limits on permissible levels of blasting resultants to reasonably assure that blasting within the Town of Chase does not cause injury, damage or a nuisance to persons or property outside and beyond the permitted explosives use area.
- (2) Instrumentation. All blast-monitoring instruments used to produce data to support compliance with this Subsection shall meet the following minimum specifications:
 - (a) Seismic frequency range: 2 to 200 Hz (± 3 Hz)
 - (b) Acoustic frequency range: 2 to 200 Hz (± 1 dB)
 - (c) Velocity range: 0.02 to 4.0 inches per second
 - (d) Sound range: 100 to 140 dB linear
 - (e) Transducers: Three (3) mutually perpendicular axes
 - (f) Recording: Provide time-history of wave form
 - (g) Printout: Direct printout showing time, date, peak air pressure, peak particle velocity and frequency in three (3) directions and a printed waveform graph of the event depicting measured air blast and particle velocity in the three (3) directions
 - (h) Calibration: At least once every twelve (12) months according to manufacturer's recommendations
- (3) Control of Adverse Effects.
 - (a) **General Requirements.** Blasting shall be conducted so as to prevent injury or a nuisance to persons and damage to public or private property outside the permitted explosives use area.
 - (b) **Airblast.**
 - 1. Limits – Airblast shall not exceed the following limits:

<u>Lower Frequency Limit of Measuring System in Hz</u>	<u>Maximum Level in db</u>
2 Hz or lower – Flat response	133 peak
6 Hz or lower – Flat response	129 peak

at the location of the dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permitted explosives use area.

(4) Ground Vibration – General.

- (a) The maximum ground vibration at the location of any dwelling, public building, place of employment, school, church, or community or institutional building outside the controlled blasting site area shall be established in accordance with either the maximum peak-particle-velocity limit (See Table 7.64-2), the scaled distance of par. G, the blasting-level charge of par. H.
- (b) All structures in the vicinity of the blasting area, not listed in sub. (a), such as water towers, pipelines and other utilities, tunnels, dams, impoundments and underground mines shall be protected from damage by establishment by the operator of a maximum allowable limit on the ground vibration. The operator shall establish the limit after consulting with the owner of the structure.
- (c) **Maximum Peak Particle Velocity** – An operator may use the maximum ground vibration limits listed in Table 7.64-2

Table 7.64-2 – PEAK PARTICLE VELOCITY LIMITS		
Type of Structure	Maximum in allowable peak particle velocity for ground vibration, in/sec	
	At frequencies below 40 Hz*	At frequencies 40 Hz and greater
Modern homes and structures with drywall interiors	0.75	2.0
Older homes and structures with plaster on wood lath construction for interior walls	0.50	2.0

*All spectral peaks within 6 dB (50 pct) amplitude of the predominant frequency must be analyzed.

- (5) Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in 3 mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the 3 measurements and the vector sum of the 3 measurements.
- (6) A seismographic record shall be provided for each blast.
- (7) Scaled-distance equation:
 - (a) An operator may use the scaled-distance equation, $W = (D/D_s)^2$, to determine the allowable charge-weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring; where W = the maximum weight per delay of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest structure listed in par. (D)(1) and (2); and D_s = the scaled-distance factor listed in Table 7.64-3.
 - (b) The development of a modified scaled-distance factor may be authorized by the Town on receipt of a written request by the operator, supported by seismographic records of blasting at the site. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of par. D(3) at a 95% confidence level.

Table 7.64-3
SCALED-DISTANCE FACTOR LIMITS

Distance (D) from the blasting	Scaled-distance factor (D_s) to be applied without seismic monitoring
0-300.....	50
301 to 5,000.....	55
5,001 and beyond.....	65

Figure 7.64
BLASTING LEVEL CHART

- (8) Blasting Level Chart.
- (a) An operator may use the ground vibration limits found in Figure 7.64 to determine the maximum allowable ground vibration.
 - (b) If the Figure 7.64 limits are used, a seismographic record, including both particle-velocity and vibration frequency levels, shall be provided for each blast. The method of analysis shall be subject to reasonable discretionary review by the Town.

7.06 MONITORING.

(1) Monitoring.

- (a) The permittee shall monitor all blasts at the closest location to the blast of any dwelling, public building, place of employment, school, church or community or institutional building outside and beyond the permittee explosives use area; provided, however, that the permittee may monitor at another location approximately the same distance from the blast site if the permittee is unable to obtain permission to conduct the monitoring from the owner of the preferred location. The Town Board, or its designee, may, at its discretion, require the relocation of monitoring equipment to a more suitable site and/or may conduct independent air-blast monitoring to spot check data supplied by the permittee. If independent monitoring by the Town is conducted, then in that event, the permittee shall pay the reasonable costs incurred by the Town of the independent monitoring.
 - (b) The measuring equipment used shall have an upper end flat frequency response of at least two hundred (200) Hz.
 - (c) All measuring equipment during monitoring shall be spiked to the ground or sandbagged.
- (2) Flyrock. Flyrock produced as a result of explosives use shall be totally contained within the permitted explosives use area.
- (3) Seismic Monitoring. The Town Board, in its discretion, may conduct independent seismic blast monitoring or air blast monitoring to spot-check data supplied by the permit holder. If the independent monitoring discloses after hearing that the ordinance was violated by the permittee, then, in that event, the permittee shall pay the reasonable costs incurred by the Town for the independent monitoring.

7.07 PREBLAST SURVEY AND NOTIFICATION

- (1) Preblasting Notification. Each explosives use permit application and all re-applications shall include the names and addresses of all residents or owners of dwellings or other structures located within one thousand (1,000) feet of the boundaries of the blasting site, as described in the Explosives Use Plan.
- (2) At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within the previously defined area (1,000 feet), who may request a preblast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a preblast survey to be conducted as to such dwelling or structures, and water quality testing for existing wells; provided, however, that the applicant shall not be required

to conduct a preblast survey or well water quality testing more than once every six (6) years as to any dwelling, structure or well.

- (3) The owner of a dwelling or structure that is within one thousand (1,000) feet of the blasting site, which, subsequent to the conducting of a preblast survey, has been substantially modified or improved by more than fifty percent (50%) of the property's fair market value, may request a preblast survey. If it is found that a preblast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners.
- (4) The preblast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Town Board. The survey shall determine the condition of the dwelling or structure and shall document any preblasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this ordinance if the blasting survey and well water test meets the requirements outlined herein.
- (5) The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town of Chase, the owner or resident and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit, in writing, to the Town of Chase any objections to the survey report, setting forth in detail such objections.
- (6) The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Town of Chase, the owner or resident and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit, in writing, to the Town of Chase objections to the test, setting forth in detail such objections.
- (7) Reasonable and reasonably related expenses incurred as a result of such independent surveys shall be the responsibility of the applicant/permittee.

7.08 ENFORCEMENT AND PENALTY PROVISIONS.

- (1) Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension or revocation of a blasting permit:
 - (a) Compliance with the blasting standards established by the Town of Chase as noted herein by this ordinance.
 - (b) Development and submittal to the Town Board of the Town of Chase of the explosives use plan and compliance with the explosives use plan.
 - (c) Development and submittal to the Town Board of the Town of Chase the blasting log and compliance with the operation plan with the information called for by the blasting log.
 - (d) Maintaining the financial assurance requested by the Town Board of the Town of Chase.

- (e) Compliance with the operational hours for blasting as noted herein by this ordinance.
 - (f) Compliance with airblast and ground vibration standards established by the Town of Chase as noted herein by this ordinance.
 - (g) Compliance with the pre-blasting notification requirements to residents and the Town Board as noted herein by this ordinance.
 - (h) Attempts made by the permittee or party in interest to comply with the provisions of this ordinance.
 - (i) Consideration of atmospheric, unknown conditions including geophysical conditions, and other matters beyond the control of the permittees or party in interest.
- (2) Suspension/Revocation. Unless expressly provided herein or by other Town of Chase Ordinance provisions, the explosive use permit may be suspended or revoked for cause for substantial noncompliance with the ordinance after the proper Town of Chase hearing noted below, unless in an emergency condition determined by the Town Board of the Town of Chase wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for suspension or revocation, the Town Board of the Town of Chase must, by the Town Clerk of the Town of Chase, receive a verified complaint concerning the licensee, registrant or permittee.
- (a) **Complaint.** The following persons may file a verified complaint with the Town Board of the Town of Chase:
 1. Town Chairman
 2. Town Clerk
 3. Town Supervisors
 4. Planning Commission
 5. Town Building Inspector
 6. Any Town of Chase resident
 7. A Landowner within one thousand (1,000) feet of the blasting site
 - (b) **Hearing.**
 1. The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance or otherwise of such a nature as to require a formal evidentiary hearing.
 2. The person subject to charges for violation of any Town of Chase Ordinance or any violation of a condition of the explosives use permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Chase. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Chase and the person subject to charges.
 3. The person subject to charges for violation of any Town of Chase Ordinance, or any violation of a condition of the explosive use permit shall be entitled to the following:

- a. Representation by legal counsel
 - b. Right to present and cross-examine witnesses
 - c. Right to subpoena witnesses by the Town Chair of the Town of Chase issuing subpoenas to compel attendance of witnesses.
4. The Town Board of the Town of Chase may, after the hearing for any person previously issued an explosive use permit by the Town Board of the Town of Chase, act as follows:
- a. Revoke the permit as a final decision.
 - b. Suspend the permit for a date certain as a final decision.
 - c. Request additional information as an interim decision prior to taking future action.
 - d. Take no action on the permit as a final decision.
- (c) **Appeals.** The final decision of the Town Board of the Town of Chase to revoke or suspend the explosives use permit shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than 45 days from the mailing of the Town Board's Decision to the permit holder.
- (3) **Penalty.** In addition to the denial, suspension or revocation of a permit issued under this Chapter, any person who shall violate any provision of this chapter, or who shall fail to obtain a permit as required hereunder, shall, upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than twenty (\$20.00) dollars nor more than five hundred (\$500.00) dollars, together with the costs of prosecution. Any default of such forfeiture determined by a court of competent jurisdiction shall be subject to any penalties as provided by Section 66.115, 66.117, 66.119 and 66.12, Wis. Stats, as may be amended. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from taking any appropriate action to prevent or remove a violation of any provision of this Chapter.

CHAPTER 8

PARKS AND RECREATION

- 8.01 Park Rules and Regulations
 - 8.02 Park Impact Fee Regulation
-

8.01 PARK RULES AND REGULATIONS.

- (1) Purpose. The purpose of these regulations shall be to protect the parks and parkways and appurtenances thereto in the Town from fire, abuse and desecration; to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks and parkways.
- (2) Hours of Operation. All public parks and public playgrounds in the Town shall be closed from 10:00 p.m. to 6:00 a.m., except as provided under rental agreements approved by the Town Board. No person shall be within the Town parks between these hours, except as provided under rental agreements approved by the Town Board.
- (3) Disorderly Conduct Prohibited.
 - (a) No person shall use threatening, abusive, insulting, obscene, indecent language which constitutes a breach of the peace.
 - (b) No person violating any of the prohibitions enumerated in sub. (a) above shall be allowed to remain in any park or parkway.
- (4) Waste Disposal.
 - (a) All trash, including garbage, plastic, cans and paper, created by the person(s) using the park shall be removed from the premises by said person(s) or placed in the receptacles provided for that purpose.
 - (b) No person(s) shall deposit, dump, throw or place any earth, rubbish, dust, manure, paper, garbage or other refuse matter or any sand, stone, lumber or building material or any substance in the water, grounds or roadways of any park or parkway without permission of the Town Park Commission.
 - (c) Burning of garbage or other rubbish in barrels is prohibited.
 - (d) Glass beverage containers of any kind or measure whatsoever are prohibited.
- (5) Excessive Noise Prohibited. Auto radios, portable radios, CD players, tape players, amplifying devices and television sets must be turned low at all times so as not be heard from a distance beyond fifty (50) feet from the instrument. Band and DJs are allowed to set up and perform in rental areas only.

- (6) Permit Required for Advertising, Sales.
- (a) No person shall sell, keep or offer for sale any tangible or intangible article, service or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park or parkway, without the written permission of the Town Park Commission, Town Plan Commission and final approval of the Town Board.
 - (b) No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except of the United States), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the written authorization of the Town Park Commission, Town Plan Commission and final approval of the Town Board.
- (7) Permit for Sale of Fermented Malt Beverages.
- (a) “Special Event Permit Required” – No person or group shall sell, offer for sale or distribution any fermented malt beverages in a Town park in conjunction with a picnic or other special event without first obtaining a permit therefore from the Town Clerk after approval of the Town Board.
 - (b) “Issuance; Conditions; Fee” – Such permits may be issued by the Town Clerk after approval of the Town Board and upon receipt of such information as they may require from the applicant, and upon the receipt of a permit fee of \$100.00. Permits shall be valid for that period of time to be specified by the Town Clerk.
- (8) Interferences with Permittees Prohibited.
- (a) No person shall, in any manner, disturb, harass or interfere with any person or party holding a written permit as indicated previously, nor with any of their equipment or property.
 - (b) Permits for the exclusive use of specific picnic or play areas for any specified date or time may be granted at the discretion of the Town Park Commission and no person shall, in any manner, disturb or interfere with any person or party occupying the ground under such permit, nor with any of their equipment or property.
- (9) Fireworks, Weapons and Traps Prohibited. No person shall carry, fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person hunt with bow and arrow within any park or parkway. The word “gun” shall include air gun.
- (10) Throwing of Stones or Missiles, or the Hitting Golf Balls, Prohibited. No person shall throw stones or missiles, or hit golf balls, in or into any park or use metal-tipped lawn darts in any park, parkway or waterways.
- (11) Making of Fires Restricted.
- (a) No person shall make or kindle a fire for any purpose except in places provided therefore, and then subject to such regulations as may be prescribed.
 - (b) The use of charcoal burners and grills in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such a manner as to prevent fire or damage to any park property.

- (c) No booyah kettles or other similar cooking utensils are allowed with an open fire unless placed on a raised steel platform with a minimum of four (4) inches of air space between ground surface and platform.
- (12) Motor Vehicles and Animal Restrictions in Park.
 - (a) No person shall operate any motorized vehicle in any part of the property in a Town park except upon facilities provided therefore.
 - (b) Animals are not allowed in parks or parkways except in designated areas or by special permission of the Town Park Commission, Town Plan Commission and final approval of the Town Board, unless it is a seeing eye dog.
 - (c) No person shall kill, injure or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals within any of the parks or parkways. Nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.
- (13) Injury to Vegetation, Structures and Equipment Prohibited.
 - (a) No person shall climb any tree, or pick 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, flowerbed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway.
 - (b) No person in any park or parkway shall remove any device for the protection of trees or shrubs.
 - (c) No permanent deer stands on landfill.
- (14) Camping Regulated.
 - (a) No person shall sleep or camp or lodge in any park or parkway. An authorized person charged with guarding property overnight for a special event is exempted from the Town Park Commission.
 - (b) No person shall erect a tent or similar appurtenances except with special permission from the Town Park Commission.

8.02 PARK IMPACT FEE REGULATION.

- (1) Authority. This Ordinance is authorized under §66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the power of the Town to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.
- (2) Purpose. The purpose of this Ordinance is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision of parks, playgrounds and land for athletic facilities by imposing impact fees upon developers or property owners to pay for the capital costs of public facilities that are necessary to accommodate land development.
- (3) Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

- (a) *“Capital Cost”* shall mean the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs, which relate directly to the public improvement for which the impact fees were imposed, exceed 10% of capital costs. Capital cost does not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
 - (b) *“Developer or Property Owner”* shall mean a person that constructs or creates land development.
 - (c) *“Impact Fees”* shall mean cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer or property owner by the Town under this Ordinance.
 - (d) *“Land Development”* shall mean the construction or modification of improvements to real property that creates additional residential dwelling units, additional commercial square footage and additional industrial square footage within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
 - (e) *“Public Facilities”* shall mean highway, as defined in §340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
- (4) Public Facilities Needs Assessment. New public facilities or improvements or expansions of existing public facilities as it relates to park and recreation, that are required because of land development for which impact fees will be imposed, are those which are identified in the park and recreation public facilities needs assessment report prepared prior to the adoption of this Ordinance and any amendments hereto. The park and recreation public facilities needs assessment report, that forms the basis of any impact fees imposed by the Town by this Ordinance, shall be kept on file in the office of the Town Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this Ordinance and any amendments. A Class 1 Notice is required prior to any public hearing. The park and recreation public facilities needs assessment report shall remain on file in the office of the Town Clerk for the entire period during which impact fees are collected.
- (5) Imposition of Impact Fees. Impact fees are hereby imposed on all developments and land divisions within the Town of Chase and shall be calculated pursuant to this Ordinance. For developments, impact fees shall be payable by the developer or property owner to the Town in full within fourteen (14) days of the issuance of a building permit. The building permit is issued on a conditional basis with the

condition being payment of the impact fee within fourteen (14) days. If the impact fee is not paid in fourteen (14) days of issuance of the permit, the building permit is then null and void.

- (6) Parks and Recreation Facilities Impact Fee.
- (a) Any developer or property owner creating or constructing additional residential dwelling units within the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the park and recreational needs of land development, except as provided in Sec. 8.08.
 - (b) The amount of a fee per structure to be constructed or created by the proposed development, subject to adjustment pursuant to Sec. 8.09, shall be as follows:
 - 1. For single-family or two-family residential development, the fee shall be \$650.00 per structure.
 - 2. For multi-family residential development of three or more dwelling units, the fee shall be \$325.00 per dwelling unit within each multi-family residential structure.
 - (c) Such fees collected by the Town shall be placed in a separate segregated, interest-bearing account and shall be accounted for separately from other funds of the Town. The Town shall keep an account of all impact fees paid by date, tax parcel number and amount. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed.
 - (d) Such fees shall be expended by the Town for the aforesaid purpose within seven (7) years after they were collected or such fee amount paid shall be refunded by the Town to the current owner of the property with respect to which the impact fee was imposed, along with any interest that has accumulated. Under extenuating circumstances, the Town of Chase may, and reserves the right to, extend this period to ten (10) years with the adoption of a resolution. The resolution shall specify the extenuating circumstances or hardship that led to the need for extending the period.
- (7) Fee Reduction. Any impact fee imposed under this Ordinance shall be reduced to compensate for other capital costs imposed by the Town with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Chapter 236 of the Wisconsin Statutes or any other items of value. Impact fees imposed under this Ordinance shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fee was imposed.
- (8) Exemption from Fees. The lawful new construction of a single family dwelling structure razed or to be razed within one (1) year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this Ordinance. Any new construction of a single family dwelling structure upon a single parcel of land involving the demolition of a pre-existing residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon

application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this Ordinance.

- (9) Administration and Review. All fees collected and special accounts maintained under this Ordinance shall be subject to administration by the Town Treasurer. The Treasurer shall report annually to the Town Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Town Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Town Board may determine where there exists any reasonable need for refund of fees previously collected. The Town Board shall, as part of its annual budget process, review the impact fee imposed under this Ordinance. The Town also reserves the right to apply a reasonable inflationary factor to estimated capital costs provided in the Public Facilities Needs Assessment.
- (10) Appeal. Any developer or property owner upon whom an impact fee is imposed under this Ordinance shall have the right to contest the amount, collection or use of a the impact fee to the Town Board, provided the developer or property owner files a written notice of appeal in the Town Clerk's office within fifteen (15) days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's or property owner's name, address, telephone number and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances, but within forty-five (45) days of receipt of written notice of appeal, and shall notify the developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

CHAPTER 9

BUILDING AND CONSTRUCTION

- 9.01 Construction Codes
- 9.02 Building Permits
- 9.03 Occupancy and Open Houses
- 9.04 Road Construction
- 9.05 Driveway Construction

9.01 CONSTRUCTION CODES

(1) Uniform Dwelling Code.

- (a) Authority. These regulations are adopted under the authority granted by Section 101.65, Wisconsin Statutes.
- (b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.
- (c) Scope. The scope of this ordinance includes the construction and inspection of one and two family dwellings built since August 1999. Notwithstanding Section ILHR 20.05, the scope also includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the UNIFORM DWELLING CODE.
- (d) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, and all amendments shall apply to all building within the scope of this ordinance.

(2) Public Structures.

- (a) Authority. These regulations are adopted under the authority granted by Section 101.12, Wisconsin Statutes.
- (b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.
- (c) Scope. The scope of this ordinance includes the construction, renovation, repair or improvement, and the inspection of, all public buildings located within the Town.
- (d) Adoption of Codes. The Wisconsin Commercial Building Code, Chapters SPS 360 – 366, Wis. Admin. Code and Buildings Constructed Prior to 1914 Code, Chapters, SPS 375 – 379, Wis. Admin. Code are adopted and shall apply within the scope of this ordinance.

9.02 BUILDING PERMITS.

- ##### (1) Building Permit Required. No person shall alter, in excess of \$500.00 value, in any twelve month period, build, add onto or alter any building with the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical

systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempt from permit requirements. Residing, reroofing finishing of interior surfaces and installations of cabinetry shall be exempted from permit requirements.

(2) Building Permit Fee. The building permit fee shall be determined by resolution.

9.03 OCCUPANCY AND OPEN HOUSES. No dwelling may be occupied without permission of the Building Inspector. Open houses without final inspections are prohibited. The Town Board will adopt, by resolution, penalties for violation of this section.

9.04 ROAD CONSTRUCTION

(1) Purpose. The purpose of this Ordinance is to establish street and/or road right-of-way standards, including, but not limited to, width, materials of construction, grades, drainage and names. The Town Board of the Town of Chase, Oconto County, Wisconsin, being duly authorized under §60.20(27), Wis. Stats., does ordain as follows:

(2) Developer Agreement. All streets and roads hereafter constructed in the Town of Chase shall be constructed in accordance with the terms and conditions of a Development Agreement and meet all of the requirements as provided in this Ordinance. Failure to do so shall prohibit the Town Board from accepting any portion of such road or street in the Town of Chase and shall prohibit the Town of Chase from expending any funds on said street or road for maintenance purposes.

(3) Construction Standards. Effective as October 14, 2002, all proposed roads and/or existing private roads that are to be donated or given (deeded) to the Town of Chase, and all new street right-of-ways developed by the Town of Chase, shall conform to the following:

(a) Right-of-Way Width:

1. The minimum width of a right-of-way in a residential area shall be 66 feet (4 rods). The minimum width of a right-of-way in areas zoned (or petitioned to be zoned) commercial or industrial shall be 80 feet.
2. No roads shall terminate without provisions for a cul-de-sac (turn-around) with a minimum radius of 75 feet paved, even if temporary in nature.
3. All proposed roads shall extend to the boundary of the tract being divided.
4. Gravel to be paved over prior to 50% lot sales or one (1) year after acceptance.

(b) Specifications:

1. All trees, stumps, brush, boulders and buildings shall be removed from the entire width and length of the right-of-way. None of the same is to be buried in the right-of-way.

2. The side slopes in cut and in fill areas shall conform to those shown in Figure 1, Town of Chase Typical Finished Section.
 3. The centerline grade shall not exceed plus or minus 7%.
 4. All side slopes shall be covered with topsoil and seeded with grass and/or clover capable of being within the right-of-way.
 5. If sand lift is required, a minimum of 8 inches must be used.
- (c) Roadway Width:
1. Residential: The driving width of residential roads shall be 11 feet with a shoulder of 2 feet per lane. The total driving width shall be 22 feet.
 2. Commercial: The driving width of commercial roads shall be 13 feet with a shoulder of 2 feet per lane. The total driving width shall be 26 feet.
- (d) Roadway Material Specifications:
1. The driving portion of the roadway shall be surfaced with 12 inches of crushed rock.
 2. The gradation of the roadway gravel shall conform to Wisconsin Department of Transportation, Division of Highways, Specifications 304, Gradation 13.
 3. After gradation, said roadway shall have a bituminous asphalt hot mix application 2-1/2" deep minimum, compacted in residential subdivisions, and 22 feet wide in confirmation with the Wisconsin Department of Transportation, Division of Highway requirements.
 4. The developer shall include a bid, letter of credit, and an improvement list and cost estimate as established through execution of a Development Agreement between the Town and the developer. The Town may require additional asphalt or base material depending on road function and average daily traffic. Any modification to the asphalt surface or base requirement will be determined prior to execution of a Development Agreement.
- (e) Roadway Drainage:
1. Water Accumulation: The highway shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water soaking uplands, or an unreasonable accumulation and discharge of surface waters flooding or water soaking uplands. (From §88.87, Wis. Stats.)
 2. All roads intersecting other roads shall have a minimum of a 24-inch culvert. Larger culverts may be required by a decision of the Town Board. Culverts shall extend one (1) foot beyond the tow of the shoulder slope.
- (f) Road Names: The name of a Town road shall be submitted to the Town Board and the Properly Listing Office, Oconto County Courthouse.
- (g) Road Signs: All stop signs, traffic control signs and road name signs shall be erected and maintained by the Town Board. Any of the above signs

required for a recorded subdivision or similar development shall be paid for by the developer and not the Town.

- (h) Right-of-Way Description:
 - 1. All right-of-ways shall be a part of a recorded subdivision or recorded as Certified Surveys, with all survey irons in place.
 - 2. All right-of-ways shall be deeded to the Town for Town road purposes regardless of whether or not said right-of-ways are included in a recorded subdivision or certified survey map.
- (i) Abandonment of Cul-De-Sacs: At such time as a private party seeks to extend a Town road from a cul-de-sac on an existing Town Road, that party shall comply with all other provisions of this Ordinance; and in addition thereto, shall work with the Town to abandon the existing cul-de-sac. The private party shall pay all costs of abandonment including, but not limited to the following: surveying, site preparation, landscaping and legal costs. Legal title to any abandoned cul-de-sac shall revert to the adjoining landowners in accordance with Wisconsin law.
- (j) Roads in Subdivisions:
 - 1. The developer shall enter in a Development Agreement with the Town to assure Town road standards and specifications are met.
 - 2. The Town Board shall not approve any subdivisions unless and until the subdivider shall post a security bond (cash or irrevocable letter of credit) meeting the approval of the Town Board as a guaranty that all road improvements will be made in accordance with the Development Agreement.
 - 3. All sub-base improvements shall be completed within one (1) year after the effective date of the Development Agreement. Final surface application/paving shall occur within two (2) years of the effective date of the Development Agreement. If developer is unable, for reasons beyond its reasonable control, to complete the road improvements within the allotted time period, the Town, at its sole discretion, may allow developer an additional period of time to complete the improvements. At a minimum, such bond shall be in a amount of 120% of the estimated costs of said improvements.

9.05 DRIVEWAY ORDINANCE

- (1) Purposes. The primary reasons for the Ordinance include but are not limited to the following:
 - (a) Provide safe vehicle access to public roadways (ingress/egress).
 - (b) Provide adequate access for emergency vehicles to service improved property and life.
 - (c) Protect public investment in town roads by preventing costly road maintenance.
 - (d) Prevent water drainage and siltation from private driveways onto public roadways.

- (e) Protect graded ditches and roadsides, and prevent erosion into Town water ways.
- (2) Definitions. In this Ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of access where travel occurs from a public road (whether by easement or ownership) not considered to be part of the public road for the purpose of gaining access through any part of a private parcel of land or which connects or will connect with any public roadway.
- (3) Scope. The following regulations apply to the construction or modification of private driveways on lands in the Town.
- (4) Driveway Permit.
 - (a) Applicability. A Town Driveway Permit is required for:
 - 1. Construction of a new driveway
 - 2. Improvements, modifications and reworking of an existing driveway which changes the driveway grade or location. Existing driveway surface maintenance does not require a driveway permit.
 - 3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing driveway.
 - (b) Applications. Driveway permit application forms and information can be obtained from the Building Inspector.
- (5) General Conditions.
 - (a) Any new public or private driveway, or any driveway alleged to be existing, road, field road or other means of travel through any part of a private parcel of land, which connects or will connect with any public roadway, is subject to the terms of this Ordinance.
 - (b) No person shall improve, modify or rework a driveway, with the exception of routine maintenance, which changes the existing topography of the land without consulting the Town of Chase Inspector to determine the applicability of obtaining a Driveway Permit from the Town Inspector. Application forms and information can be obtained from the Town Inspector if a permit is required.
 - (c) Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan presented to the Town Inspector prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner’s intentions and timing to re-seed, mulch, ditch, place culverts and apron end walls, and carry out other erosion control practices which will be accomplished within ninety (90) days after beginning driveway construction or modification. If an engineer’s plan (detailed site plan) of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer’s plan.
- (6) Existing Driveways and Field Roads.
 - (a) When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road and emergency vehicle access to property, the Town Board or the Inspector will notify the property owner of the conditions. Any property owner failing to correct

such condition within thirty (30) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard, as provided in §66.60(16), Wis. Stats.

- (b) Existing driveways, determined to have a hazard as defined in this Section, shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town Inspector. Hazards as determined by the Town Inspector, to include, but not limited to, the following mandatory review criteria: Driveway width, height and width clearance, and ingress/egress angle.

(7) Application Procedures.

- (a) The applicant must submit to the Building Inspector a completed driveway permit application.
- (b) The applicant, who may be the owner, agent, contractor or designee, shall submit a location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials, and erosion control procedures. The plan must be legible and submitted on an 8.5" x 11", 8.5" x 14", or 11" x 17" sheet of paper.
- (c) The application and location plan shall be reviewed by the Town Inspector for conformance with this Ordinance and all ordinances, rules, regulations and plans which affect it. The Town Inspector shall, within fifteen (15) days from the date of submission of the application and location construction plan, approve or deny the issuance of a driveway permit.
- (d) With the approval of the Town Inspector, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- (e) The applicant shall notify the Town Inspector within seven (7) days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

(8) Minimum Requirements.

- (a) Authorization for a driveway is subject to the approval of the Town of Chase Inspector.
- (b) For property with existing structures, if there is no clear evidence, as determined by the Town Inspector and the Oconto County Zoning Administrator, that the driveway has been used during the last 12 months, the Town Inspector review process is required. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.
- (c) The following specifications shall apply for Town roads:
 - 1. Maximum number of units served by a driveway 1
 - 2. Maximum driveway length 1,000 feet
 - 3. Minimum driveway surface width 12 feet
 - 4. Minimum width clearance 26 feet

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| 5. | Minimum height clearance free of trees, wires, etc. | 18 feet |
| 6. | Maximum grade
(grades >20% will require an engineer's plan) | 30% |
| 7. | Minimum side yard setback | 10 feet |
| 8. | Angle of entry | 90 degrees |
| 9. | Culvert diameter minimum | 15 inches, or equivalent
if required |
| 10. | Apron End Walls | Required |
| 11. | Culvert Length | 26 feet |
| 12. | Site distance | Consistent with Oconto
County standards |
| 13. | Others | See attached driveway
details |
| 14. | Access to County or State Highways shall conform to County or State Standards. | |
- (d) For a new driveway, at least one 26 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting and emergency vehicles. At the dead end of all new driveways, a turnaround radius (minimum) of 25 feet, or some other suitable method to allow vehicles to turn around, shall be provided as determined by the Town Inspector.
- (e) The driveway within the area of the public right-of-way shall slope away for a minimum of 10 feet from the public road at a minimum of 1% and a maximum of 5%, or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road, or crowning of the driveway surface shall be completed to prevent debris from washing onto the public road.
- (f) A new concrete driveway surface shall not extend within the area of public right-of-way.
- (g) Construction of a new driveway in accordance to Section 9.05(4) of this Ordinance shall have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (3/4") gravel. Substitution for suitable material can be agreed upon by the Town Inspector. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.
- (h) If culverts are required for a new driveway, all applicants at a minimum shall install and cover with gravel a Corrugated Metal Pipe (CMP) culvert, minimum 15-inch in diameter or the equivalent, 26 feet in length, with apron end walls, at the ditchline unless determined unnecessary by the Town Inspector. Examples could be driveway location on the crest of a hill or shallow ditch depth. This condition may be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Oconto County Highway Department or district engineer of the Wisconsin Department of Transportation. Illegal culverts will be removed at landowners' expense.

- (i) Construction access to building sites shall be through a single access to minimize ditchline disturbance and control erosion. Pursuant to subsection (8)(h), a culvert and apron end walls must be in place prior to final inspection.
- (j) No land with a grade of more than 30% shall be disturbed for the construction of a new driveway.
- (k) An engineer's plan (detailed site plan) showing adequate erosion control and stabilization measures is required for any segment of the proposed new driveway which disturbs land with a grade of more than 20% and less than 30%.
- (l) For a new driveway, the side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in a detailed site plan approved by the Town Inspector.
- (m) Curves in a new driveway shall have an inside radius of no less than thirty-six feet (36').
- (n) Pursuant to subsection (8)(i), banks, slopes and ditchlines for a new driveway shall be seeded promptly to control erosion.
- (o) Once the construction of the new driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts and apron end walls, crowing, mulching and matting shall be completed within ninety (90) days.
- (p) All costs of construction of said driveway, including the cost of the culverts, apron end walls, and detailed site plan, if necessary, shall be paid by the property owner requesting the permit.
- (q) An area 26 feet in width and 18 feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Inspector will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road not serving a structure is exempt from this requirement.
- (r) It will also be the responsibility of the owner, agent or contractor to clean any mud or other debris deposited on the public town roads the same day it was deposited. If the applicant or agent fails to clean the roads in the required time period, the Town will have it cleaned and charge all costs to the applicant.
- (s) When Town roads are being resurfaced or other work done, driveway culverts may be replaced at Town Board discretion.
- (t) The Town will pay for driveway culverts being replaced during road construction.
- (u) All culverts removed from a Town right-of-way during construction will become the property of the Town. Used culverts replaced at residents' expense will be their property.
- (v) Used culverts will be inspected by the Town Board and sold at a cost determined by the Town.

- (9) Requirements for an Engineering Plan (Detailed Site Plan)
- (a) The Town may require an engineering plan (detailed site plan) prepared by a licensed engineer or person of relevant experience prior to any proposed driveway construction or modification. A detailed site plan is required:
 - 1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 20% and less than 30%.
 - 2. For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the Town Inspector.
 - (b) The detailed site plan shall include the following:
 - 1. The precise location of the driveway or segment of driveway which requires a detailed site plan relative to the parcel.
 - 2. Grade of the driveway showing no segment exceeding 30%.
 - 3. Location and structure of any retaining walls.
 - 4. Location and size of any culverts.
 - 5. Cross-section of the driveway.
 - 6. The required mulching, matting or other erosion control
 - 7. Existing and proposed buildings.
 - (c) Construction of a driveway shall not commence until the detailed site plan, if required, is approved by the Town Inspector and a Town driveway permit is issued and, when applicable, any necessary approvals are obtained from Oconto County or the State of Wisconsin (See §86.07, Wis. Stats.)
 - (d) The preparation of a detailed site plan does not guarantee the approval of a driveway permit application.
- (10) Permit Fee. A driveway permit application and inspection fee, as established by the Town of Chase Board, shall be paid to the Town prior to the start of any construction. The applicant must receive a driveway permit prior to receiving a Town Building Permit in accordance with Section 9.05(4) of this Ordinance. No building permit will be issued until an approved driveway is in place. The cost of a driveway permit shall be \$70.00, or such other amount as is subsequently adopted by the Town Board.
- (11) Noncompliance. Any landowner who installs a new driveway, or removes or alters any existing driveway in accordance with Section 9.05(4) without Town Inspector approval, shall be charged an inspection fee of \$150.00, together with any and all costs of repairs, corrections or restoration. An additional inspection fee of \$150.00 will be charged if a second inspection is required. Should the landowner fail to pay the inspection fee and/or repair/correction/restoration costs, said charges will be placed on the tax roll of said landowner.

CHAPTER 10

FIRE REGULATION

- 10.01 General Authority
 - 10.02 Fire Cost Reimbursement
 - 10.03 Fire Inspections
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10.01 GENERAL AUTHORITY

- (1) Fire Protection. The Town shall provide for fire protection for the Town in the manner provided under Sec. 60.55, Stats.
- (2) Regulations. Pursuant to the provisions of Sec. 60.555, Stats., the Town may adopt regulations to prevent, detect and suppress fire and related fire hazards.
- (3) Fire Protection Funding. In providing fire protection for the Town, the Town Board may:
 - (a) Appropriate money to pay for fire protection in the town.
 - (b) Charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the town board.
 - (c) Levy taxes on the entire town to pay for fire protection.
 - (d) Levy taxes on property served by a particular source of fire protection, to support the source of protection.

10.02 FIRE COST REIMBURSEMENT. The Town Board of Chase may develop and maintain the proper funding for fire protection. The Town Board of Chase may charge property owners for the cost of fire protection provided to their property according to the following written schedule established by the Town Board:

- (1) The landowner receiving the service shall be charged and pay the actual cost of the fire run.
- (2) In the event the fire call remains unpaid for 90 days following the bill, a notice to the landowners for the cost shall be put on the property tax bill as a special charge pursuant to Sec. 66.60, Wis. Stats.

10.03 FIRE INSPECTIONS.

- (1) Fire Inspection. Pursuant to the provisions of §60.55, Stats., and §60.555, Stats., the Town may, from time to time, cause all properties within the Town, subject by Statute to inspections, to be inspected by an authorized and designated representative of the Town to determine compliance with all applicable fire regulations.
- (2) Fire Inspection Charges. The Town may, from time to time, establish, by resolution, such costs, charges and fees as it shall determine appropriate for all fire inspections authorized herein.

CHAPTER 12

NONMETALLIC MINING

- 12.01 Purpose
 - 12.02 Definitions
 - 12.03 Applicability of Chapter
 - 12.04 Exempt Activities
 - 12.05 Applications for Permits
 - 12.06 Permit Approval and Appeal Process
 - 12.07 Minimum Reclamation Standards
 - 12.08 Standards Applied to All Permits
 - 12.09 Renewal of Permit
 - 12.10 Existing Nonmetallic Mining Operations
 - 12.11 Project Site Modification or Enlargement
 - 12.12 Fees
 - 12.13 Inspection
 - 12.14 Enforcement and Penalty Provisions
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12.01 PURPOSE. Nonmetallic mining is recognized as an important industry which contributes to the Town's economic and social well-being, but which risks damage to the long-term physical environment and the tax base of the Town. It is the purpose of this Chapter to establish regulations for nonmetallic mining and site reclamation that will protect the environment and the tax base both during and after the conduct of mining operations.

12.02 DEFINITIONS. In this Chapter, terms shall mean the following:

- (1) *"Abandonment of Operations"* means the cessation of nonmetallic mining operations for more than three hundred sixty (360) consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or by other written request deemed sufficient by the Town. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.
- (2) *"Town"* means the Town of Chase.
- (3) *"Enlargement"* means any horizontal or vertical increase beyond dimensions of the original application for the project site and shall be subject to the diminishing assets rule.
- (4) *"Environmental pollution"* means the contaminating or rendering unclean or impure the air, land or waters of the state or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- (5) *"Modification"* means any vertical or horizontal increase or decrease within the dimensions of the original application for the project site.

- (6) *“Nonmetallic Mining”* or *“Nonmetallic Mining Operation”* means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to, manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready-mix concrete – such uses to be allowed by separate conditional use permit.
- (7) *“Nonmetallic Mining Refuse”* means waste soil, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.
- (8) *“Nonmetallic Mining Site”* or *“Project Site”* or *“Site”* means the location where a nonmetallic mining operation is proposed to be conducted or is conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas which nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.
- (9) *“Operator”* means any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under a nonmetallic mining reclamation ordinance, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (10) *“Parties in Interest”* means the owner and operator of a proposed or existing nonmetallic mining site and all owners of property located within one thousand (1,000’) feet of the boundaries of a proposed or existing nonmetallic mining site.
- (11) *“Permit”* means any permit which may be required under this Section of an operator as a condition precedent to commencing or continuing nonmetallic mining at a project site.
- (12) *“Reclamation”* means the rehabilitation of a nonmetallic mining site, including, but not necessarily including, and not limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.
- (13) *“Replacement of Topsoil”* means the replacement of the topsoil which was removed and disturbed by a nonmetallic mining operation or the provision and placement of soil which is at least as adequate, in the opinion of the Town, as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

- (14) *“Riprap”* means a quantity of durable stones or concrete pieces of varying size and shape, placed as a protective layer over soil in such a manner that the smaller pieces fill the spaces between the larger pieces. Concrete pieces are less desirable than stones for this use, and those with exposed reinforcing rods shall not be used.
- (15) *“Topsoil”* means that material (normally the A and the upper part of the B horizon) which, based upon the official national cooperative soil survey, is acceptable for re-spreading on the surface of regarded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.
- (16) *“Town Quarry Advisory Committee”*, consisting of one (1) representative of the nonmetallic mining operations, one (1) representative for Blasting operators, one (1) resident, one (1) member of the Town Board and one (1) member of the Town Plan Commission, which will meet to discuss concerns and issues relating to nonmetallic mining operations and make advisory recommendations to the Town Board.

12.03 APPLICABILITY OF CHAPTER. This Chapter is applicable to all nonmetallic mining sites within the Town of Chase. This Chapter applies to any portion of a nonmetallic mining site, including unreclaimed portions of a site, which was mined prior to the effective date of this Chapter.

12.04 EXEMPT ACTIVITIES. This Chapter does not apply to the following activities:

- (1) Excavations or grading by a person solely for domestic use at his or her residence.
- (2) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (3) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (4) Excavations for building construction purposes.
- (5) Any mining operation, the reclamation of which is required in a permit obtained under Section 293, Wis. Stats.
- (6) Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Section 289, Wis. Stats., or a hazardous waste disposal facility under Section 291, Wis. Stats.; provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (7) Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under Sections 30.19, 30.195 and 30.20, Wis. Stats.

12.05 APPLICATIONS FOR PERMITS.

- (1) General Requirement. An operator shall obtain a nonmetallic mining permit prior to engaging in nonmetallic mining or the enlargement of a site. Such permit applications are subject to public hearing before the Town Board. Permits shall be

denied if the Town Board finds that the project does not conform with the minimum standards set forth in this Chapter or if the applicant has failed or continues to fail to comply with this Section.

- (2) Application. The application for a permit shall be submitted to the Town Clerk on forms provided by the Town. The application for a mining permit shall be signed by the applicant and shall be accompanied by information which shall include, but not be limited to, the following:
- (a) General Information – The name and address of the operator.
 - (b) Lease(s) – A signed copy of the lease(s) which authorizes the operator to enter upon the lessor’s land for the purpose of mining as defined in this Section. The expiration date of the lease shall clearly be indicated thereon.
 - (c) Legal Description – A legal description and survey map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.
 - (d) General Map – Five (5) copies of a general map which shall be drawn at a scale of no less than one (1) inch equals four hundred (400 feet and shall include the following:
 - 1. Property boundaries of the operator’s owned and/or leased land consistent with the legal description for the premises.
 - 2. Location and names of all known streams, roads, railroads, utility lines on or immediately adjacent to the site.
 - 3. Location of all structures owned by parties in interest within one thousand (1,000’) feet.
 - 4. Names and addresses of parties in interest.
 - 5. Boundaries for the site.
 - 6. Location and description of mining site boundary stakes and permanent reference point.
 - 7. Zoning of the site.
 - 8. Existing and proposed drainage within and without the site of operations to a distance of five hundred (500’) feet reflecting the handling of all waters, natural, pumped surface and identify wetlands thereon.
 - 9. Locate and identify setbacks.
 - (e) Operation Plan – The Operation Plan shall include information about the site, a legal description of the proposed nonmetallic mining operation, methods and procedures to be used in mining the site including the following:
 - 1. Type of mining, processing and transportation equipment to be used.
 - 2. Type of materials to be extracted.
 - 3. A description of the proposed horizontal and vertical limits of the proposed operation plan.
 - 4. Primary travel routes to be used to transport material to processing plants or markets.
 - 5. Measures to be taken to control noise, dust and vibrations from the operations and/or a written explanation of why such measures are not needed.

6. If explosives are to be used in the operation, a copy of the Blaster's Explosive Use Plan should be on file with the Town.
 7. A statement that the applicant has complied with all Wisconsin State Statutes, Administrative Code provisions and Town/County Ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.
- (f) Reclamation Plan – The permit shall be subject to the provisions and requirements of Section 295, Nonmetallic Mining Reclamation, Wis. Stats.
 - (g) Certificate of Insurance – Each application for a permit herein, or a renewal thereof, shall be accompanied by a Certificate of Insurance for a Commercial General Liability policy, and said policy of insurance shall have limits of coverage of not less than \$1,000,000 in the aggregate, and \$500,000 per occurrence, and the Town shall be named as an additional insured on applicant's policy of liability insurance.
 - (h) Other Information – The Town Board may require the submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area. The Town Board may waive portions of the specified information if it is satisfied that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application. In determining what information shall be waived, the Town Board shall take into account, among other things, the nature of the applicant's operation and whether the operation is a legally pre-existing operation. It shall be the obligation of the applicant to request any such waiver. Such request shall set forth the justification for such waiver.

12.06 PERMIT APPROVAL AND APPEAL PROCESS.

- (1) Standards for Evaluation and Approval. The Town Board, in conjunction with the Town's consultants, shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, the proposed operating, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, quality of life of the neighborhood and Town, and any other pertinent requirements deemed necessary by the Town Board so as to eliminate, alleviate or control any unreasonable hazard, danger, harm, risk or nuisance that exists or could develop as a result of the operation and reclamation for which the application is made. In making such determinations, the Town Board shall consider whether or not the applicant is applying as to a legal pre-existing operation and use and the rights which may have accrued to such applicant as a result thereof.
- (2) Public Hearing.
 - (a) Within thirty (30) days after receipt of a complete permit application and a recommendation from the Town Plan Commission, the Town Clerk shall

schedule a public hearing on the application before the Town Board; the application shall be submitted to the Planning Commission and the Town's consultants for its recommendation prior to Town Board action.

- (b) Notice of the aforementioned public hearing shall be published as a Class 2 Notice in a newspaper of general circulation within the Town of Chase. In addition, notice of said public hearing shall be mailed to the last-known address of all owners of property within five hundred (500') feet of the subject property. Failure to receive notice shall not invalidate any action taken by the Town Board.
- (c) At the hearing on an application for a nonmetallic mining permit, the Town Board shall hear and receive any evidence or sworn testimony presented by the applicant or an authorized agent. At the conclusion of the applicant's presentation, the Town Board shall hear first any public comments from those in support of the application, then from those in opposition to the application, and finally the recommendation of the Planning Commission and the Town's consultants. The applicant shall be given an opportunity to respond to any adverse comments, evidence or recommendation.
- (d) Approval or Denial. Within thirty (30) days after the hearing, The Town Board shall either grant, deny or grant with modification the application based upon specific findings and conclusions. The Town Board may grant an application conditions upon meeting certain operational and reclamation provisions and standards, which shall not be less stringent than the minimum standards hereinafter set forth. In deciding upon an application for a legally pre-existing operating, the Town Board shall take into account the pre-existing nature and circumstances of the operation.
- (e) Appeal. Appeals from the decision of the Town Board in granting or denying a license shall be to the Circuit Court.
- (f) All stone quarries as nonmetallic mining operations legally existing at the effective date of this ordinance shall not be subject to the public hearing requirements except for enlargement.

12.07 MINIMUM RECLAMATION STANDARDS. The permit shall be subject to the provisions and requirements of Chapter 295, Nonmetallic Mining Reclamation, Wis. Stats.

12.08 STANDARDS APPLIED TO ALL PERMITS.

- (1) Right of Access. The filing of an application shall grant the Town and its officers, consultants and agents the right of access onto the site and contiguous lands owned or leased by the applicant for the purpose of inspecting the site and adjacent lands for pre-permit issuance inspections, for compliance with the permit if issued and for any other purpose relative to this Section. Except in emergencies, access shall be granted during normal business hours with reasonable notice to the operator. Inspectors shall report to the person in charge of the site and comply with established safety rules and regulations.
- (2) After the issuance of a permit, all nonmetallic mining operations, as a condition of their permit, shall comply with all Wisconsin State Statutes, Administrative Code

provisions, and Town/County Ordinances regulating erosion control, wetlands, navigable streams, air quality, zoning, water drainage and discharge from the site of operation and that all required plans and permits have been submitted and/or obtained by the applicant.

- (3) Boundary Staking. All excavation and phase boundaries, if any, shall be staked or otherwise marked per the survey by the operator and inspected by the Town prior to commencing operations on a site. Stakes shall be made of steel consisting of, at a minimum, a two (2") inch pipe. Stakes shall be placed on all corners of the site and additional stakes shall be placed every three hundred (300') feet between corner stakes. Stakes shall be set so they are at least five (5') feet above ground level and painted so they are visible.
- (4) Plans on Site. A copy of the plans and specifications returned by the Town at the time of permit issuance shall be kept on the project site throughout the entire excavation and reclamation period.
- (5) Permit Period. Permits shall be granted for one (1) year period of time and shall expire on December 31st. Permits shall be on a calendar-year basis.
- (6) Limits of Operation. Projects shall be limited to approved dimensions.
- (7) Conflicts with Other Regulations. It is the responsibility of the operator to obtain any local, state or federal permits or approvals.
- (8) Compliance with Reclamation. The operator shall comply with progressive reclamation plans, if any, and final reclamation plans for the site.
- (9) Notification of Commencement and Cessation. The operator shall notify the Town, in writing, at least fifteen (15) days prior to initial nonmetallic mining operations and at least thirty (30) work days prior to final completion of project reclamation. All phases within a site shall also comply with the notification requirements above. When a phase is complete, the operator shall notify the Town Board for approval of the reclamation before entering the next phase.
- (10) Records of Operations. All records of the permittee regarding the conduct of the nonmetallic mining operation which are reasonably needed for the property monitoring and evaluation of the operation or the enforcement of this Chapter shall be subject to inspection by the Town officials at all reasonable times; provided, however, that Town personnel, to the extent provided by law, shall take reasonable steps to prevent disclosure of records which the operator advises in writing contain privileged trade secret information.
- (11) Complaints of Violations. In the event of a complaint of a violation of this Section, the plan of operation or the plan of reclamation, the permittee shall be notified thereof in writing by the Town and shall respond to the Town in writing within ten (10) working days of notification by the Town. In the event the permittee shall fail to respond or shall deny any violation without reasonable grounds, the permittee shall be liable for the reasonable costs of investigation of such complaint including the cost of any experts if, after hearing, it has been determined that there has been a violation of the ordinance.
- (12) Other Conditions. The Town may apply such other conditions or requirements as are necessary to ensure the proper operation and the progressive and final reclamation in a manner consistent with this Section and to limit any adverse environmental

impacts. Standards contained in Wisconsin Administrative Code Transportation 207 or in State of Wisconsin Department of Transportation Standards Specifications for Road and Bridge Construction may be applied to any appropriate aspect of this Chapter.

(a) **Hours of Operation:**

5:00 a.m. – 9:00 p.m., Monday – Friday, April 1 to September 30
5:00 a.m. – 11:00 p.m., Monday – Friday, October 1 to March 31
5:00 a.m. – 2:00 p.m., Saturday, all year

These parameters only restrict the operations for blasting purposes. Additional hours of operation will be subject to approval of the Town Board through the permit process.

- (b) **Setbacks.** The nonmetallic mining operation shall be set back a minimum of one hundred (100') feet from the center of all highways, streets or roads and fifty (50') feet from all exterior property lines and a minimum of five (500') feet to the nearest residence. Existing setbacks for those stone quarries in existence as of the effective date of this ordinance shall not be subject to this provision and shall be located and identified on the General Map of the site. The setback requirements will be applicable for any site enlargement unless adjoining property owners give permission.
- (c) **Dust Control.** Opacity limit for all fugitive emissions at the property line of the site shall comply with DNR requirements.
- (d) **Dumping Prohibited.** The owner and/or operator of a non-metallic mining operation shall not haul junk, rubbish, stumps, trees, salvage materials of any kind, including, but not limited to, concrete, fill, autos, trucks, or parts thereof, into or outside of the non-metallic mining site property contiguous thereto except for clean fill or fill approved by the Department of Natural Resources.
- (e) **Blasting Notification.** Before any blasting operation may be conducted within the Town of Chase, the Company or operator shall give notice thereof by the conspicuous display of a fluorescent flag and legible sign giving notice of the blasting operations. The flag and sign shall be displayed at least 24 hours prior to and during all blasting operations. This notice requirement is in addition to any other notices required by law or regulation.

12.09 RENEWAL OF PERMIT.

- (1) Applications for permit renewal must be submitted in writing to the Town Clerk at least sixty (60) days prior to the expiration date of the existing permit. Such applications shall comply with the provisions of this Section, but need not include any items previously submitted with a prior application for a permit for such site. Renewal applications may merely indicate no change in such items. Any previously submitted items, which have been changed from the prior applications, shall be resubmitted showing any such changes.

- (2) No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
- (3) Permit renewals may be conditioned upon correction of any unanticipated environmental impacts occurring during the original or renewal permits.
- (4) No public hearing shall be required to be held with respect to a renewal application unless the application provides for an enlargement of the previously approved site or otherwise provides for an alteration or change in the method of operations or reclamation previously approved which might adversely affect the use or enjoyment of nearby properties. Site enlargement shall be subject to all the provisions and procedures set forth in Section 12.06 of this Ordinance.

12.10 EXISTING NONMETALLIC MINING OPERATIONS. All nonmetallic mining operations existing at the effective date of this Chapter (March 14, 2000) shall, within thirty (30) days of said effective date of this Chapter, be provided with a copy of this Section via certified mail. Within ninety (90) days of their receipt of this Section, operators of existing nonmetallic mining operations shall submit the necessary plans to bring said operation into conformity with this Chapter. Such period may be extended for an additional ninety (90) days upon review and approval by the Town Board of said written request for extension. Pending the receipt and review of a timely submitted application by the Town Board, the operation shall be permitted to continue the existing nonmetallic mining operation at the site for which an application was submitted. If a permit is denied, the applicant shall cease nonmetallic mining operations at such site; however, the applicant shall be given a reasonable period of time for the processing and removal of existing materials and/or stockpiles.

12.11 PROJECT SITE MODIFICATION OR ENLARGEMENT.

- (1) Site Modification. An operation may apply for a modification or cancellation of a project permit or for a change in the reclamation plan for a project site. The application for the modification, cancellation or change shall be submitted in writing by the operator and shall identify the site to be removed or affected by a change in the operation and reclamation plans.
- (2) Transfer of Permit. When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit, but only if:
 - (a) Both operators are in compliance with the requirements and standards of this Chapter.
 - (b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document and provides financial assurance therefore.
- (3) Site Enlargement. Any proposed enlargement shall be processed as a new application pursuant to this Chapter. All provisions of this Section shall apply to the proposal.

12.12 FEES. The application for an initial permit or renewal permit requiring a public hearing under this Ordinance shall be accompanied by a fee of One Thousand

(\$1,000.00) Dollars. An application for a renewal permit under this Ordinance, for which no public hearing is required, shall be accompanied by a fee of One Hundred (\$100.00) Dollars. These fees may be changed from time to time by resolution of the Town Board.

12.13 INSPECTION. The Town Board or its designee may enter the premises of a nonmetallic mining site in the performance of its or their official duties, or pursuant to a special inspection warrant issued under §66.122, Wis. Stats., in order to inspect the premises to act on any application hereunder, to ascertain compliance with the nonmetallic mining reclamation ordinance and permit, or to investigate any alleged violation. It shall be a condition of a permit issued hereunder that, upon request, such person shall be granted access to the premises during hours of operation for purposes of any such inspection, provided that applicable safety laws, rules and regulations are adhered to.

12.14 ENFORCEMENT AND PENALTIES.

(1) Enforcement. The following are criteria that the Town Board may consider for issuance, re-issuance, suspension or revocation of a nonmetallic mining permit:

- (a) Compliance with the reclamation standards established by the State of Wisconsin.
- (b) Submittal to the Town Board of the Town of Chase a nonmetallic mining operation plan and compliance with the operation plan.
- (c) Submittal to the Town Board of the Town of Chase a nonmetallic mining reclamation plan and compliance with the operation plan as required by State law.
- (d) Maintaining the Certificate of Insurance required by the Town Board of the Town of Chase.
- (e) Compliance with the operational hours for operation of the nonmetallic mining operation.
- (f) Installation, provision and maintenance of adequate and necessary physical structures, equipment and operational controls as determined by the Town Board to prevent public nuisances and to protect the public health and safety to persons residing near the nonmetallic mining operation or person entering the nonmetallic mining operation, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- (g) Attempts made by the permittee or party in interest to comply with the provisions of this Ordinance.
- (h) Consideration of extenuating circumstances and matters beyond the control of a permittee or party in interest.

(2) Suspension/Revocation. Unless expressly provided herein or by other Town of Chase Ordinance provisions, the nonmetallic mining permit may be suspended or revoked for cause for substantial noncompliance with the Ordinance after the proper Town of Chase hearing noted below, unless in an emergency condition determined by the Town Board of the Town of Chase wherein the license, registration or permit can be suspended temporarily for a set time period. Prior to any action for

suspension or revocation, the Town Board of the Town of Chase must, by the Town Clerk of the Town of Chase, receive a verified complaint concerning the permittee. The following persons may file a verified complaint with the Town Board of the Town of Chase:

- (a) The Town Chairman
- (b) The Town Clerk
- (c) The Town Supervisors
- (d) The Town Zoning Administrator/Building Inspector
- (e) Any Town of Chase Resident
- (f) A Landowner within one thousand (1,000') feet of the blasting site

The Town Board will make a determination if the allegations of the complaint are of sufficient magnitude, importance, or otherwise of such a nature as to require a formal evidentiary hearing.

The person subject to charges for violation of any Town of Chase Ordinance or any violation of a condition of the nonmetallic mining permit shall be provided a copy of the verified complaint and notice of hearing before the Town Board of the Town of Chase. The hearing shall be required to be not less than ten (10) days nor more than thirty (30) days after receipt of notice, unless stipulated in writing by the Town Board of the Town of Chase and the person subject to charges.

The person subject to charges for violation of any Town of Chase Ordinance or any violation of a condition of the nonmetallic mining permit shall be entitled to the following:

- (a) Representation by legal counsel
- (b) Right to present and cross-examine witnesses
- (c) Right to subpoena witnesses by the Town Chairman of the Town of Chase issuing subpoenas to compel attendance of witnesses

The Town Board of the Town of Chase may, after the hearing for any person previously issued a nonmetallic mining permit by the Town Board of the Town of Chase, act as follows:

- (a) Revoke the permit as a final decision
- (b) Suspend the permit for a date certain as a final decision
- (c) Request additional information as an interim decision prior to taking future action
- (d) Take no action on the permit as a final decision

The final decision of the Town Board of the Town of Chase to revoke or suspend the nonmetallic mining permit shall be subject to appeal to the Circuit Court, which appeal must be filed with the Circuit Court not later than forty-five (45) days from the mailing of the Town Board's Decision to the permit holder.

CHAPTER 13

MOBILE HOME REGULATION

- 13.01 Regulatory Authorities Adopted
 - 13.02 Mobile Home Park Regulations
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13.01 REGULATORY AUTHORITIES ADOPTED. Except as otherwise provided in this ordinance, Sec. 66.0435, Stats., all provisions of Chapter 101.91 et. seq. of the Wisconsin Statutes, and all provisions of Comm 26 of the Wisconsin Administrative Code describing and defining regulations relative to Manufactured Homes or Mobile Homes that the Town may adopt as ordinances, and the provisions of Sec. 14.900 of the Oconto County Code of Ordinances are hereby adopted and by reference made part of this Chapter as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes and regulations incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of Manufactured Homes or Mobile Homes in the Town.

13.02 MOBILE HOME PARK REGULATION

- (1) License Required. No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, or controlled by said owner a mobile home park within the Town without first securing a license therefore from the Town Board pursuant to this chapter. Such license shall expire on midnight, June 30 of the year of issue but may be renewed under the provisions of this chapter for additional maximum two-year periods.
- (2) Location Restricted. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit such use.
- (3) Application. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the mobile home park and make the application, and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised mobile home park shall be accompanied by five copies of the park plan showing the following, either existing or as proposed:
 - (a) The area to be used for park purposes.
 - (b) Roadways and driveways.
 - (c) The location and designation of dependent and independent mobile home spaces.

- (d) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms, to be used by occupants of the mobile home park.
 - (e) A complete layout of storm, sanitary, and water systems for the service building and spaces.
 - (f) The method and plan of garbage removal.
 - (g) A plan for electrical lighting of spaces.
- (4) Issuance of License.
- (a) Approval. The application for a mobile home park license shall be subject to review and consideration by the Town Board. The Town Board may approve the license application subject to such conditions and requirements, in addition to those made and provided in this Chapter as the Town Board shall determine necessary for purposes of public health, safety and welfare.
 - (b) Fee Required. After a license hereunder has been approved, but before that license is issued by the Town Clerk, the applicant shall pay an annual fee in accordance with Comm 26. Said license shall expire on June 30 annually. A penalty fee of \$25 shall apply to renewal applications postmarked after June 30. Operation in any fiscal year requires a license.
 - (c) Annual Renewal. All mobile home park licenses issued under this Chapter shall be subject to annual renewal. Upon application by any licensee, after approval by the Town Board and upon payment of the annual license fee, the Town Clerk shall issue a certificate renewing the license for another year, unless sooner revoked. The application for renewal shall be in writing, signed by the applicant on forms furnished by the Town.
 - (c) License Transfer. Upon application for a transfer of license the Town Clerk shall, after approval of the application by the Town Board, issue a transfer upon payment of the required \$10 fee.
- (5) Revocation and Suspension. A license may be suspended or revoked after a hearing held pursuant to §66.0435 Wis. Stats. Any hearing for the suspension, revocation, or non-renewal of a license shall be conducted before the Town Board. At the conclusion of the hearing, the Town Board shall determine whether the license be suspended, revoked, or non-renewed if it finds that the licensee committed a violation. Appeal from a decision of the Town Board shall be to the Circuit Court for Oconto County.
- (6) Monthly Permit Fee.
- (a) Monthly Permit Fee Required. In addition to the annual license fee provided in sub. (4) above, the Town shall collect from each unit occupying space or lots in a community in the Town in the manner made and determined under sub. (6)(b) herein below, except for the following:
 1. From recreational mobile homes.
 2. From manufactured and mobile homes that constitute improvements to real property under s. 70.043 (1),
 3. From recreational vehicles as defined in s. 340.01 (48r), and
 4. From camping trailers as defined in s. 340.01 (6m),
 - (b) Computation of Monthly Permit Fee. A monthly mobile home permit fee shall be computed as follows:

1. On January 1, the assessor shall determine the total fair market value of each unit in the taxation district subject to the monthly municipal permit fee.
 2. The fair market value, determined under sub. (b) 1., minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district.
 3. The value of each unit, determined under sub.(b) 2 shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
 4. The total annual permit fee, computed under sub. (b)3 shall be divided by 12 and shall represent the monthly permit fee.
- (c) **Partial Year.** The monthly permit fee is applicable to units moving into the tax district any time during the year. The community operator shall furnish information to the tax district clerk and the assessor on units added to the community within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the Town Assessor receives the notice of an addition of a unit to a community, the Assessor shall determine its fair market value and notify the Town Clerk of that determination. The Town Clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual permit fee thus determined by 12 and notify the unit owner of the monthly fee to be collected from the unit owner. Liability for payment of the monthly permit fee begins on the first day of the next succeeding month and continues for the months in which the unit remains in the tax district.
- (d) **Annual Recalculation.** A new monthly permit fee and a new valuation shall be established each January and shall continue for that calendar year.
- (e) **Valuation Review.** The valuation established is subject to review as are other values established under Chapter 70, Stats. If the Town Board of Review reduces a valuation on which previous monthly payments have been made the tax district shall refund past excess fee payments.
- (f) **Payment of Fee.** The monthly permit fee shall be paid by the unit owner to the local taxing authority on or before the 10th of the month following the month for which the monthly permit fee is due.
- (g) **Park Licensee Liability.** The licensee of a community is liable for the monthly permit fee for any unit occupying space in the community as well as the owner and occupant of each such unit, except that the licensee is not liable until the Town has failed, in an action under Chapter 799, Stats., to collect the fee from the owner and occupant of the unit. The Town may by ordinance, may require the community operator or licensee to collect the monthly municipal permit fee from the unit owner.
- (h) **Credit.** The credit under Sec. 79.10 (9) (bm), Stats., as it applies to the principal dwelling on a parcel of taxable property, applies to the estimated

fair market value of a unit that is the principal dwelling of the owner. The owner of the unit shall file a claim for the credit with the Town Treasurer. To obtain the credit under s. 79.10 (9) (bm), Stats., the owner shall attest on the claim that the unit is the owner's principal dwelling. The Town Treasurer shall reduce the owner's monthly permit fee by the amount of any allowable credit. The Town Treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under Sec. 79.10 (1m), Stats.

- (i) Financial Institution Exemption. No monthly permit fee may be imposed on a financial institution, as defined in s. 69.30 (1) (b), Stats., that relates to a vacant unit that has been repossessed by the financial institution.
- (j) Distribution of Monthly Fees Collected. The monthly permit fees collected by the Town shall be subject to allocation in the manner made and provided under Sec. 66.0435(8), Stats.

CHAPTER 14

ZONING AND LAND USE

- 14.01 Comprehensive Plan
 - 14.02 Zoning Regulation
 - 14.03 Land Division
-

14.01 COMPREHENSIVE PLAN.

- (1) Comprehensive Plan. The Town of Chase Comprehensive Plan, prepared and adopted pursuant to 66.1001, Wis. Stats., is hereby incorporated by reference and made a part hereof and all land use within the Town shall be consistent therewith.
- (2) Amendment. The Town of Chase Comprehensive Plan may only be modified or amended in the manner provided in §66.1001, Wis. Stats.

14.02 ZONING REGULATION.

- (1) General Zoning Authority. Pursuant to the Town's General Zoning Authority under the provisions of §60.61, Wis. Stats, the Town has adopted and incorporates herein by reference the OCONTO COUNTY ZONING ORDINANCE, CHAPTER 14 OF THE OCONTO COUNTY CODE.
- (2) Zoning Districts. The following Zoning Districts, and their related conditions and regulations, shall apply within the Town:
 - (a) Residential Single Family District (R-1)
 - 1. Permitted Uses:
 - a. Cemeteries
 - b. Churches
 - c. Community Buildings
 - d. Parks
 - e. Single Family Residence including manufactured housing
 - f. Schools
 - 2. Conditional Uses:
 - a. Bed and Breakfast Establishments
 - b. Day Care Centers
 - c. Utility towers
 - 3. Standards:
 - a. Minimum Lot Size: One and one-half (1.5) acres unless the property is located in the Sewer Service Area of the Krakow Sanitary District.
 - b. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(b) Residential Multi-Family (R-2)

1. Permitted Uses:
 - a. Community Buildings
 - b. Churches
 - c. Golf Courses
 - d. Multi-family residences up to four (4) residential units
 - e. Parks
 - f. Residential Condominiums up to four (4) residential units
 - g. Schools
 - h. Single family residences including manufactured housing.
2. Conditional Uses:
 - a. Bed and Breakfast establishments
 - b. Clinics
 - c. Daycare centers providing for more than eight (8) children
 - d. Firearms sales and service establishments
 - e. Fireworks sales
 - f. Hospitals
 - g. Multi-family residences with more than four (4) residential units
 - h. Nursing Homes
 - i. Residential Condominiums with more than four (4) residential units.
 - j. Utility towers
3. Standards:
 - a. Minimum Lot Size: three (3) acre; one-half acre per family unit unless the property is located in the Sewer Service Area of the Krakow Sanitary District.
 - b. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(c) Residential Multi-Family (R-3)

1. Permitted Uses:
 - a. Community Buildings
 - b. Churches
 - c. Golf Courses
 - d. Multi-family residences up to four (4) residential units
 - e. Multi-family residences with more than four (4) residential units.
 - f. Parks
 - g. Residential Condominiums up to four (4) residential units
 - h. Schools
 - i. Residential Condominiums with more than four (4) residential units.
 - j. Single family residences including manufactured housing.

2. Conditional Uses:
 - a. Bed and Breakfast establishments
 - b. Clinics
 - c. Daycare centers providing for more than eight (8) children
 - d. Firearms sales and service establishments
 - e. Fireworks sales
 - f. Hospitals
 - g. Nursing Homes
 - i. Utility towers
3. Standards:
 - a. Minimum Lot Size: three-quarters (.75) of an acre or unit.
 - b. Property must be located within the Sewer Service Area of the Krakow Sanitary District.
 - c. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - d. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(d) Community Service District (CS)

1. Permitted Uses:
 - a. Cemeteries
 - b. Churches
 - c. Clinics
 - e. Community buildings
 - f. Fire, Police, Rescue and Ambulance protection facilities
 - g. Parks
 - h. Schools
 - i. Single family residences including manufactured housing
 - j. Utilities
2. Conditional Uses:
 - a. Airports
 - b. Communications facilities
 - c. Community garages
 - d. Correctional facilities
 - e. Hospitals
 - f. Multi-family homes for staff only
 - g. Nursing homes and assisted living facilities.
 - h. Utility towers.
3. Standards.
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

- (e) Park and Recreation District (PR).
1. Permitted Uses:
 - a. Agricultural protection and forestry as part of recreational complex
 - b. Boat launching facilities
 - c. Community buildings
 - d. Golf courses
 - e. Parks, play grounds or play fields
 - f. Parking lots
 - g. Single family residences including manufactured housing, multi-family housing for staff personnel only provided that the dwelling units are located on the recreational parcel and not on separate lots.
 - h. Wildlife preserves.
 2. Conditional Uses:
 - a. Amusement and recreational services.
 - b. Commercial facilities accessory to permitted uses.
 - c. Campgrounds
 - d. Fish hatchery
 - e. Marina and boat livery
 - f. Resort
 - g. Shooting ranges including paintball facilities
 - h. Stables
 - i. Winter sports areas (Commercial)
 - j. Utility towers
 3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (f) Forest District (F)
1. Permitted Uses:
 - a. Agricultural production, crops, livestock or both.
 - b. Firewood processing facilities processing less than 20 cord of wood per year for firewood for wholesale or retail sales.
 - c. Forestry, forestry services, logging operations, sawmills (portable only) and planing mills (portable only).
 - d. Hunting, trapping and game propagation operations
 - e. Parks
 - f. Single family residences including manufactured housing.
 - g. Single family mobile home.
 2. Conditional Uses:
 - a. Community Buildings
 - b. Community garages and storage facilities
 - c. Firearms sales and/or service facilities

- d. Firewood processing facilities processing 20 cord of wood or more per year for firewood for wholesale or retail sales.
 - e. Kennels
 - f. Landfills
 - g. Sawmills
 - h. Shooting ranges
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(g) Rural Residential (RR)

- 1. Permitted Uses:
 - a. Agricultural production, crops, livestock and forestry
 - b. Animal shelters, barns and sheds housing less than ten (10) animals subject to all conditions and regulations imposed by the Oconto County Zoning Ordinance.
 - c. Auctions (temporary only)
 - d. Single family residences including manufactured housing.
 - e. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - f. Utility facilities.
- 2. Conditional Uses:
 - a. Additions to, expansions of or continued operations of pre-existing uses.
 - b. Bed & Breakfast Establishments
 - b. Conditional uses from A District
 - c. Conditional uses from F District
 - d. Conditional uses from R-1 District
 - e. Daycare centers providing for more than eight (8) children
 - e. Firearms sales
 - f. Fireworks sales
 - g. Two family residential structures
 - h. Utility towers
- 3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(h) Agricultural District (A)

- 1. Permitted Uses:
 - a. Agricultural production facilities, crops, livestock and forestry operations and facilities.

- b. Animal shelters, barns and sheds housing less than ten (10) animals subject to all conditions and regulations imposed by the Oconto County Zoning Ordinance.
 - c. Auctions (temporary only)
 - d. Christmas tree sales and roadside stands limited to one stand or sales site per farm used solely for the sale of products on the premises or nearby premises.
 - e. Firewood Processing facility processing less than 20 cord of wood per year into firewood for wholesale or retail sales.
 - f. Maple syrup processing facilities which produce not more than 2,000 gallons per season.
 - g. Single family residences including manufactured housing and mobile homes; provided, that it is permissible to allow more than one structure for human habitation on a farm provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel.
 - h. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - i. Utilities.
2. Conditional Uses:
- a. Institutional:
 - Communications facilities
 - Correctional facilities
 - Fire protection facilities
 - Hospitals and clinics
 - Nursing homes and assisted living facilities
 - Schools
 - b. Governmental:
 - Airports
 - Community buildings, garage and storage facilities
 - Parks
 - c. Religious Uses:
 - Churches
 - Religious schools
 - d. Agricultural Uses:
 - Agricultural services
 - Farm supply and equipment sales, service and rental facilities.
 - Migrant worker housing facilities
 - Kennels and catteries.
 - Maple syrup processing facilities that produce in

- excess of 2,000 gallons per season.
- Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area.
- Mixing and manufacturing of feeds and feed ingredients, other than for personal use.
- Sawmills (portable)
- e. Private Uses:
 - Airstrips for private use by property owner.
 - Firewood processing facilities processing 20 cord of wood or more per year into firewood for wholesale and retail sales.
 - Fireworks sales
 - Firearms sales and/or service
 - Utility towers.
- 3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (g) Large Scale Agricultural District (LA)
 - 1. Permitted Uses:
 - a. Agricultural production crops, livestock and forestry
 - b. Auctions
 - c. Christmas tree sales
 - d. Maple syrup processing facilities which produce not more than 2,000 gallons per season.
 - e. Residences, single-family, residences, mobile home, provided that the dwelling unit is occupied by a person who, or a family, at least one member of which earns a substantial part of his/her livelihood from farm operations on the parcel and/or is a parent or child of the farm operator or spouse of the farm operator. However, in no case may there be more than 3 structures for human habitation located on one parcel.
 - f. Structures for uses associated with an accessory to permitted or approved conditional uses.
 - g. Structures, animal shelters, barns and sheds.
 - h. Utilities.
 - 2. Conditional Uses:
 - a. Agricultural related business and service operations:
 - Agricultural services.
 - Migrant worker housing
 - Kennels and catteries

- Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area.
- Maple syrup processing facilities which produce more than 2,000 gallons per season.
- Mixing and manufacturing of feeds and feed ingredients
- Sales, rental and servicing of farm supplies and equipment
- Sawmills (portable only)
- b. Personal Uses:
 - Airstrips for private use by property owner.
 - Utility towers.

(h) Neighborhood Commercial District (NC)

1. Permitted Uses:
 - a. Single family residences including manufactured homes.
2. Conditional Uses:
 - a. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance
3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(i) General Commercial District (GC)

1. Permitted Uses:
 - a. Auto service stations
 - b. Banks and similar services
 - c. Business and professional offices and studios
 - d. Community buildings, such as town halls, fire stations, police stations, etc.
 - e. Dental and medical clinics
 - f. Hotels/motels
 - g. Laundromats/cleaners
 - h. Single-family residences, including manufactured homes, but only as accessory to principle use
 - i. Restaurants/taverns (eating and drinking places)
 - j. Agricultural crop production and grazing
2. Conditional Uses:
 - a. Institutional. (penal, correctional, religious, mental, orphanage or of a similar nature)
 - b. Utility towers

- c. Auto Reclamation Yard. Providing that no more than 25 unlicensed vehicles are kept on the premise which are not kept in an enclosed building.
 - d. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.
 - e. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.)
 - f. Animal shelter, animal grooming facilities, kennels and catteries
 - g. Mini-Warehouses and Mini-Storage
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (j) Restricted Commercial District (RC)
- 1. Permitted Uses:
 - a. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.
 - 2. Conditional Uses:
 - a. Institutional. (penal, correctional, religious, mental, orphanage or of a similar nature)
 - b. Utility towers
 - c. Auto Reclamation Yard. Providing that no more than 25 unlicensed vehicles are kept on the premise which are not kept in an enclosed building.
 - d. Retail or wholesale business involving sales of goods and/or services, unless otherwise noted within this ordinance.
 - e. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.)
 - f. Animal shelter, animal grooming facilities, kennels and catteries
 - g. Mini-Warehouses and Mini-Storage
 - 3. Standards:
 - a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (k) Industrial District (I)
- 1. Permitted Uses:
 - a. Electrical and electronic machinery, equipment and supplies
 - b. Fabrication of metal products.
 - c. Food and kindred products (Not including meat products)
 - d. Furniture and fixtures manufacturing.
 - e. General manufacturing

- f. Instrument manufacturing
 - g. Leather and related products
 - h. Lumber and wood products
 - i. Machinery
 - j. Printing, publishing and allied industries
 - k. Rubber and plastic product manufacturing and/or assembly
 - l. Textile products, apparel
 - m. Stone, clay and glass products
 - n. Transportation equipment
 - o. Transportation services
2. Conditional Uses:
- a. Chemicals and allied products
 - b. Concrete products
 - c. Landfills
 - d. Generation of electrical power
 - e. Manufacturing and distribution of gas and petroleum products.
 - f. Meat products and slaughter facilities.
 - g. Paper mills
 - h. Petroleum refinery and related industries
 - i. Primary metal industries
 - j. Salvage/Junk Yard
 - k. Storage or processing of industrial wastes
 - l. Utility towers
 - m. Retail/Wholesale sales
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.
- (l) Light Industrial District (LD)
1. Permitted Uses:
- a. Retail businesses engaged in the sale of goods produced primarily on site.
 - b. Wholesale businesses engaged in the sale of goods produced primarily on site.
2. Conditional Uses:
- a. All Conditional Uses applicable to General Commercial Districts.
 - b. All Conditional Uses applicable to Industrial Districts.
3. Standards:
- a. Lots shall meet the other standards and requirements of the Oconto County Zoning Ordinance.
 - b. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance.

(m) Conservancy District (C)

1. Permitted Uses:

- a. public and private parks and recreational areas, public boat access sites, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas provided that:
 - Any private recreational or wildlife habitat area is used exclusively for that purpose; and
 - Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitats or to otherwise enhance wetland values.
- b. Non-residential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or uses solely for some use permitted in the Conservancy District, if such building cannot, as a practical matter be located outside the wetland is not designed for human habitation, and provided that:
 - Any such building does not exceed 500 sq. ft. in floor area; and
 - No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done

2. Conditional Uses:

- a. No Conditional Uses are permitted.

3. Standards:

- a. All development and uses within a Conservancy District shall comply with all applicable provisions of the Oconto County Zoning Ordinance.

(n) Mobile Home Park District (MHP)

1. Permitted Uses:

- a. Community Buildings
- b. Churches
- c. Golf Courses
- d. Parks
- e. Residence, mobile home or residence, manufactured home located within the mobile home park.
- f. Single family residence for mobile home park owner or operator.

2. Conditional Uses.

- a. Mobile home sales involving storage and display of units for sale on a sales lot separate from the area of the property devoted to mobile home park residential use.
- b. Home occupation, Home based business, Home based industry and Professional Office in homes.

- c. Utility towers.
- 3. Standards.
 - a. All mobile home park operations shall comply with all mobile home park standards and requirements of the Oconto County Zoning Ordinance.
 - b. All mobile home park operations shall further comply with the provisions of Chapter 13 of this Code.
 - c. All lots shall meet the standards and requirements of the Oconto County Land Division Ordinance

14.03 LAND DIVISION.

(1) Introduction.

- (a) **Authority.** The Town Board of Chase, County of Oconto, does ordain as follows, pursuant to the authority granted by §236.45, Village Powers, and the Wisconsin Statutes. The Town has had a Zoning Committee for a number of years which has had involvement in land use planning issues, complying with said statutory section.
- (b) **Title.** This ordinance shall be known as, referred to, or cited as the Land Division Ordinance.
- (c) **Purpose and Intent.** The purpose of this ordinance is to regulate and control the division of land within the Town of Chase, Oconto County, for the following purposes: to promote the public health, safety and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provisions for water, sewerage and other public requirements; to provide for proper ingress and egress; to promote proper monumenting of subdivided land and conveying by accurate legal description, and to provide safe and orderly shoreland subdivision layouts. The Town Board, by passage of this ordinance, further has the goals of reducing future conflicts between neighbors, affording an opportunity for its local committee to review proposed development plans, consider if any change of zoning classification, conditional use or variance will occur or be more likely due to the land division, and any modifications that may make any change or special zoning permission less likely.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. The Oconto County Shoreland Ordinance is applicable only in shoreland areas.
- (e) **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or law.

- (f) **Severability.** If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
 - (g) **Repeal.** All other Town ordinances, or parts thereof, inconsistent or conflicting with this ordinance, are hereby repealed, to the extent of the inconsistency only.
 - (h) **Effective Date.** This ordinance shall be effective after a public hearing, adoption by the Town Board, and publication, as provided by law.
- (2) Rules and Definitions.
- (a) **Rules.** In the construction of this ordinance, the rules and definitions contained in the section shall be observed and applied, except when the context clearly indicates otherwise.
 1. Words used in the present tense shall include the future, and words in the singular number shall include the plural numbers, and the plural the singular.
 2. The word “shall” is mandatory and not discretionary.
 3. The word “may” is permissive and relates to a discretionary decision or act.
 4. The masculine gender includes the feminine and neuter.
 - (b) **Definitions.**
 1. “*Alley*” shall mean a public or private right-of-way which provides secondary access to abutting properties.
 2. “*Building*” shall mean any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind, which is permanently affixed to the land, including set upon a hard surface slab such as concrete.
 3. “*Building Setback Line*” shall mean a line parallel to the street line or water line beyond which buildings may not be erected.
 4. “*Cul-de-Sac*” shall mean a minor street with only one outlet and having a turnaround for the safe and convenient reversal of traffic movement.
 5. “*Extraterritorial Plat Approval Jurisdiction*” shall mean the unincorporated area within 1-1/2 miles of a fourth-class city or village and within three miles of all other cities over which cities and villages may exercise plat approval provided they have enacted an Official Map Ordinance or Subdivision Control Ordinance in accordance with §236.10. Wis. Stats.
 6. “*Final Plat*” shall mean the map or plan of a subdivision, and any accompanying material, as described in Section 14.02(6) of this ordinance.
 7. “*Grade*” shall mean the center line gradient of a road, street or other public way, specified in percent.
 8. “*Lot*” shall mean a building parcel of land represented and identified in a subdivision as defined in Section 14.02(8)(b) of this ordinance.

9. “*Certified Survey Map*” shall mean a map of a division of land prepared in accordance with §236.34, Wis. Stats.
10. “*Outlot*” shall mean a remnant parcel of land not to be used for building purposes, so designated on the plat map.
11. “*Preliminary Plat*” shall mean a map showing the salient features for a proposed subdivision submitted to the Town Board for purposes of preliminary consideration, as described in Section 14.02(5) of this ordinance.
12. “*Public Way*” shall mean any public road, street, highway, walkway, drainage way or part thereof.
13. “*Replat*” shall mean the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, a lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
14. “*Subdivider*” shall mean any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, certified survey or replat.
15. “*Subdivision*” shall mean the division of a 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 any new parcel(s) or building site(s).
16. “*Town*” shall mean the Town of Chase, including the Town Board, Town Clerk or any other designated Town Committee or authorized officer.

(3) General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this ordinance shall include all lands within the Town. However, in no instance shall the provision of this ordinance apply to:
 1. Transfers of interests pursuant to court order. Also, transfers of interests in land by will or living trust distribution after death of the principal, if no new division results beyond fractional shares of ownership.
 2. Leases for a term not to exceed ten years, mortgages or easements.
 3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, Oconto County Shoreland Zoning Ordinance, or other applicable laws or ordinances.
- (b) **Compliance.** No subdivider shall divide any land located within the jurisdiction limits of these regulations which results in a subdivision, certified survey or a replat as defined herein; no such subdivision, certified survey or replat shall be entitled to record; and, no improvements shall be made to land without compliant with all requirements of this ordinance, and the provisions of Chapter 236, Wis. Stats.

- (c) **Land Suitability.** No land shall be subdivided which is held unsuitable for any proposed use by the Zoning Committee for reason of flooding, inadequate drainage, soil type features, rock formations with severe limitation for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the community. The Zoning Committee, in applying the provisions of this ordinance, shall, in writing, cite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, a subdivider neighbor or affected person may appeal the decision of the Town Board. The Town Board may, by unanimous vote, affirm, modify or withdraw the determination of unsuitability. As part of the approval process, conditions may be placed upon the project so that construction of buildings is limited to certain areas within the divided land or prohibited in certain areas within said parcel. Any decision to exclude an area shall be based upon the factors listed in this section, or setbacks required by county zoning.
- (d) **Improvements.** The subdivider shall not install any streets or other improvements required by the Town until the preliminary plat has been approved by the Town Board.
- (e) **Variances.** The Town Board can grant variances only on the following items:
1. The granting of the variance will not be detrimental to the public safety, health, 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 variation is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 3. Because of particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience or financial hardship.
 4. The applicant for a variance has demonstrated no practical use of the land can be made under strict adherence to the ordinance provisions.
 5. Any variance granted shall remain as close to the ordinance standards as can practically be followed by use of conditions placed on approval and recorded with the Register of Deeds.
- (f) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a Town Building Permit authorizing the building on or improvement of any subdivision, certified survey or replat within the jurisdiction of this ordinance and not of record as of the effective date of this ordinance until the provisions and requirements of

this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes. The results of any Town review of a division shall be communicated by the Zoning Committee secretary or Town Clerk to the County Zoning Office after action of either body.

- (g) **Penalties.** Any person, firm or corporation that fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and the cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof for a period not to exceed two (2) months. Each day a violation exists or continues shall constitute a separate offense.
1. Recordation improperly made has penalties provided in §236.30, Wis. Stats.
 2. Conveyance of lots in unrecorded plats has penalties as provided for in §236.31, Wis. Stats.
 3. Monuments disturbed or not placed have penalties as provided for in §236.32, Wis. Stats.
 4. Assessor's plat made under §70.27, Wis. Stats., may be ordered by the Town Board when a subdivision is created by successive divisions.
- (h) **Appeals.** Any person aggrieved by an objection to a plat or failure to approve a plat may appeal therefrom as provided in §236.13(5), Wis. Stats., following exhaustion of remedies at the Town level.

(4) Procedure.

- (a) **Pre-Application.** Preliminary Consultation - prior to filing an application for approval of a preliminary plat, the subdivider shall consult with the Town Board or its designated representative to become informed of the purpose and objectives of these regulations, and to otherwise assist the subdivider in planning a development.
- (b) **Preliminary Plat Review.** Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with Section 14.02(5) of this ordinance. The subdivider shall file twelve copies of the preliminary plat as outlined in Sections 14.02(4)(c) and 14.02(5) and a letter of application with the Town Clerk at least twenty (20) days prior to the meeting of the Town Board at which action is desired. The letter of application must indicate that copies of the plat are on file with the utility companies having jurisdiction over the subject area so that adequate provisions can be made by the utility companies to serve the proposed subdivision.
- (c) **Preliminary Plat Approval.**
1. The Town Board shall review the plat for conformance with this ordinance.
 2. The Town Board shall, within forty (40) days of the date of filing

the preliminary plat, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. It is anticipated Board review will follow Zoning Committee review and recommendation, when possible. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejections shall accompany the plat. One copy of the plat and letter shall be placed in the Town Board's permanent file.

3. Failure of the Town Board to act within forth (40) days of the filing date shall constitute an approval as provided in 236.11(1)(a), Wis. Stats. However, in the event the Zoning Committee raises issues with the developer that need further exploration, the developer may waive the 40-day period in writing and deliver it to the Town Clerk, specifying a later time frame by which the Town Board is expected to act.
4. Approval or conditional approval of the preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval, and conforms substantially to the preliminary plat layout as indicated in §236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout.

(d) **Final Plat Review.** The subdivider shall prepare a final plat in accordance with Section 14.02(6) of this ordinance and shall file twelve (12) copies of the final plat and a letter of application with the Town Board at least twenty (20) days prior to the meeting of the Town Board at which action is desired.

(e) **Final Plat Approval.**

1. The Town Clerk shall inform the applicant of the date, time and place of the Town Board meeting at which the plat will be reviewed.
2. The Town Board shall examine the final plat as to its conformance with the approval preliminary plat, any conditions or approvals of the preliminary plat and this ordinance.
3. The Town Board shall, within forty (40) days of the date of filing of the final plat approval, approve conditionally or reject the plat unless the time is extended by written agreement of 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. When applicable, the Town Board certifies on the face of the original final plat that no objections have been filed or if filed, have been satisfied.
4. Failure of the Town Board to act within forty (40) days, without an agreed extension and where no unsatisfied objections have been filed, shall be deemed plat approval as provide in §236.11(1)(a), Wis. Stats.

- (f) **Recordation.** After the final plat has been approved by the Town Board and any other approving agencies, the subdivider shall record the plat with the Oconto County Register of Deeds in accordance with §236.25, Wis. Stats.
 - (g) **Replat.** When it is proposed to replat a recorded subdivision or plat thereof so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person desiring to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider or person desiring to replat shall then proceed as specified in Sections 14.02(4)(a) through (f) of this ordinance. All owners of land directly affected by said action shall express consent, opposition or request plan amendment for the Zoning Committee and Town Board to consider such matter.
- (5) Preliminary Plat.
- (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 reproducible material at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
 1. Title under which the proposed subdivision is to be recorded.
 2. Legal description and general location of proposed subdivision and whether the land is within 1-1/2 miles of Pulaski.
 3. Date, scale and north arrow.
 4. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (b) **Plat Date.** All preliminary plats shall show the following:
 1. Approximate 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. Water elevations of adjoining lakes and streams at the date of the survey showing approximate high and low water elevation.
 3. Location, right-of-way width and names of all existing and proposed 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. All streets shall have a minimum width of 66 feet and be dedicated to the public upon recording of the Certified Survey Map or final plat.
 4. Location and names of any adjacent subdivisions, parks, schools and cemeteries, and owners of record of abutting unplatted lands.
 5. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto.
 6. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, zoned wetlands and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 7. Approximate dimensions of all lots together with proposed lot and

- block numbers.
8. Existing zoning and proposed use on and adjacent to the proposed subdivision.
 9. Corporate limits lines.
 10. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access. Pursuant to §236.16(3), Wis. Stats., said access shall be at least sixty (60) feet wide in a location where the terrain may be easily crossed by an adult having average physical skills.
 11. Any proposed lake, stream and wetland improvement or relocation and proposed filling, grading, lagooning and dredging and the notice of application for Division of Environmental Protection, Department of Natural Resources approval when applicable.
- (c) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Town Board or Chairman who shall have the written recommendation that all elevations, plans and profiles meet the approval of a Town engineer, ordinance standards, or other party approved by the Town Board to conduct such review. All roads shall be constructed in compliance with the Town ordinance regulating highway standards.
- (d) **Covenants.** The Town Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. Such covenants may include provisions relating to conditions for division approval placed upon the project by the Zoning Committee or Town Board.
- (e) **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 ordinance.
- (6) Final Plat.
- (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 §236.20, Wis. Stats.
 - (b) **Additional Information.** The final plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
 1. Exact street width along the line of any obliquely intersecting street.
 2. Setbacks of building lines shall be in conformance with the Oconto County Zoning Ordinance.
 3. All lands reserved for future public acquisition to be dedicated to the Town upon recording of the final plat, or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also

be provided with the plat. On any commonly owned property as specified or shown on said plat, restrictive covenants recorded with the Register of Deeds office shall specify the procedure by which the contact person is selected for property tax billing, special assessments, and similar acceptance of legal process. The covenants may provide for designation or election or otherwise of the owners of such a person to receive such contacts.

4. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provision of planting strips.
 - (c) **Deed Restrictions.** Any deed restrictions attached to the subdivision shall be filed with or placed on the face of the final plat. However, if restrictions have previously been recorded, they may be referred to summarily in the final plat phase, such as by reference to prior volume and page of recording.
 - (d) **Surveying and Monumenting.** All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
 - (e) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated, 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.
 - (f) **Certificates.** All final plats shall provide all the certificates required by §236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this ordinance and provide a certificate for Town Board approval.
 - (g) **Fences.** Any lot within the plat that is adjacent to land used for farming or grazing shall carry with it the duty of future fence maintenance under Chapter 90, Wis. Stats. Each lot owner shall continue the duty or lack of maintenance requirement that existed before the land division approval. This division shall be interpreted so that no farmer shall be required to change his or her fencing requirements due to land division by a neighbor. For efficient providing of services, the Town Board may insist on no cul-de-sacs being located in a subdivision plat where a connecting street could be used. The Board, in its review of street intersections with existing roads, shall consider line of sight as a traffic safety concern in determining whether to have one or more intersections with existing roads into the plat or divided area.
- (7) Certified Survey Maps.
- (a) **Applicability.** For any land division creating parcels less in size than the pre-existing parcel, a certified survey map or a subdivision plat shall be created.
 - (b) **Requirements.** A certified survey map shall be prepared in compliance

with the requirements of §236.34, Wis. Stats., which is hereby adopted by reference and incorporated herein.

(c) **Procedure.** The subdivider shall file a copy of said survey map with the Town Clerk. Following review by the Zoning Committee, the Town Board shall review and, within forty (40) days, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. Any public road shown shall comply with the terms of this ordinance. No certified survey map shall alter the fence duty of a neighbor under Chapter 90 of the Wisconsin Statutes.

(d) **Certificates.**

1. The map shall include the certificate of the surveyor who surveyed and mapped the parcel, as required by §236.34, Wis. Stats., and shall be signed by the property owner.

2. The certificate of approval shall be typed, lettered or reproduced legibly and permanently on the face of the map.

(e) **Map.** The map shall be filed by the subdivider for recording with the Register of Deeds of Oconto County. Three additional copies of the final approved map shall be forwarded to the Town Clerk. The volume, page number(s) and map number of the recorded certified survey map shall be noted on the final approved map copies delivered to the Clerk.

(8) Design Standards.

(a) **Street Arrangements.** The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in property relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses and public convenience and safety. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangements in all proposed subdivisions:

1. 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 Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent land tracts. No land division approved shall create any new parcel without access to a public street or highway as a result of the division. Sec. 80.13(5), Wis. Stats., is adopted by reference.

2. Alleys may be required in commercial and industrial districts to provide for off-street loading and service access but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved and alleys shall not connect to a federal, state or county trunk highway.

3. Street names shall be established and not be in conflict with existing street names. A pattern to existing street names shall be projected or continued wherever possible. No name will be adopted that would cause problems or confusion in providing emergency services. It is expected that the subdivider will present street names for Town Board review and approval.
- (b) **Lots.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated.
 - (c) **Building Setback Lines.** Building setback lines shall conform to the requirements established in the Oconto County Zoning Ordinance.
 - (d) **Easements.** Where a subdivision is traversed by a watercourse, drainage way or stream, an adequate drainage way or easement may be required to handle storm water runoff. The location, width, alignment and improvement of such drainage way or easement shall be approved by the Town Board.
 - (e) **Intersections.** Each intersection within an existing public road shall provide at least 500 feet of unobstructed line of vision for drivers approaching from each direction. The Town may revise this provision if there are special terrain features or traffic conditions that would increase public safety and reduce the risk of collisions in the absence of a minimum amount of vision ordinarily required. In determining traffic safety at a particular intersection, the Town shall consider expected traffic volume into and from the divided land, whether the intersection is with a town, county or state highway, the expected speed of vehicles on intersection highway, and any known traffic history of collisions.
- (9) Required Improvements.
- (a) **Survey Monuments.** The subdivider shall install survey monuments in accordance with the requirements of §236.15, Wis. Stats.
 - (b) **Street Signs.** Installation of street signs, meeting the approval of the Town Board, at all intersections shall occur at subdivider expense.
- (10) Construction.
- (a) **Commencement.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Town Board.
 - (b) **Plans.** The following plans and accompanying construction specifications may be required by the Town Board before authorization of construction or installation of improvements.
 1. Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
 2. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
 3. Additional special plans or information as required.
 4. The Town Board may require a bond or letter of credit as assu-

rance of street improvement completion or may enter into an agreement with the subdivider as to construction progress tied to lot sales.

- (c) **Inspection.** The subdivider, prior to commencement of any work within the subdivision, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to approval of the final plat.
- (11) Projected Land Use. Each land division shall contain a representation from the subdivider to the Town as to the immediate intended land use of the parcel so divided. This intended use shall be compared with the zoning situation and development plan of the owner. The Town shall take the intended land use into account in the application of provisions of this ordinance.

APPENDIX “A”

TOWN OF CHASE
FEE SCHEDULE