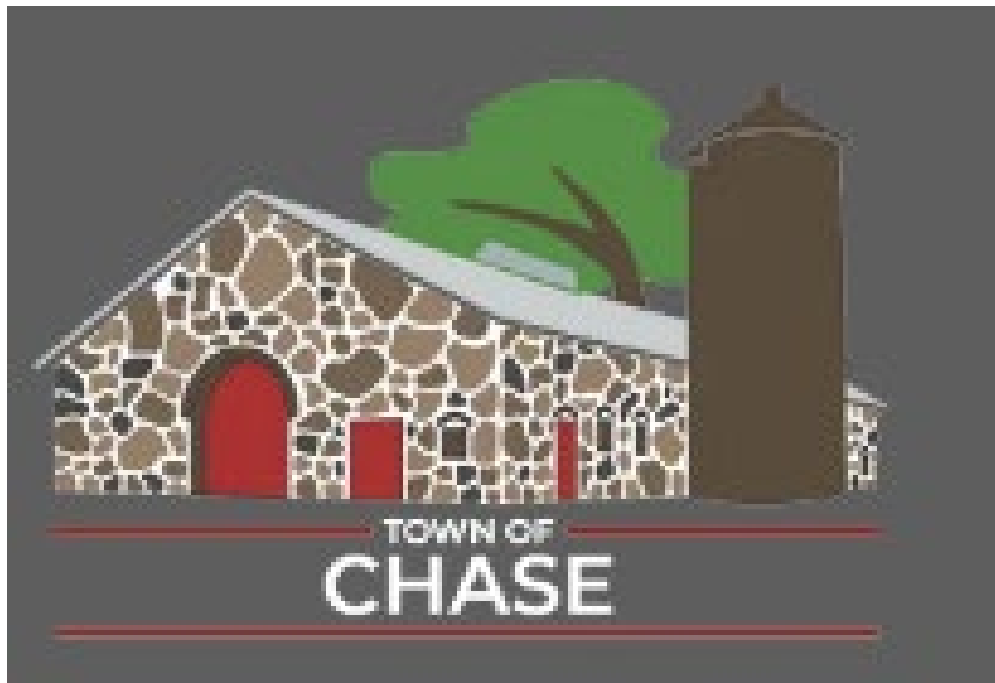


# Town Of Chase Ordinances

---



# Table of Contents

---

## Contents

CHAPTER 1 – GENERAL PROVISIONS.....	10
1.01 Town Of Chase Code .....	10
1.02 Definitions .....	10
1.03 Repeal of Ordinances .....	11
1.04 Jurisdiction .....	11
1.05 Penalties.....	11
1.06 Responsibility for Acts.....	12
1.07 Separability of Provisions.....	12
1.08 Effective Date.....	13
1.09 Copies on File .....	13
CHAPTER 2 – TOWN GOVERNMENT .....	14
2.01 Form of Government .....	14
2.02 Town Board .....	14
2.03 Elected Officials.....	14
2.04 Appointed Officials.....	14
2.05 Boards, Committees, and Commissions .....	15
2.06 Powers and Duties .....	26
2.07 Meetings .....	27
2.08 Fiscal Management .....	28
2.09 Tax Collector Bond Exemption.....	29
2.10 Creation of Joint Municipal Court.....	29
2.11 Public Records.....	30
CHAPTER 3 – Public Safety.....	36
3.01 State Statutes Adopted .....	36
3.02 Disorderly Conduct Prohibited .....	36
3.03 Curfew.....	36
3.04 Contributing to Delinquency of Child .....	38
3.05 Weapons and Firearms Regulations .....	38
3.06 Regulation of Fireworks .....	39

3.07 Regulation of Noise.....	40
3.08 Speed Limits .....	43
3.09 Disrupting a Funeral or Memorial Service .....	43
3.10 Causing Violence or Breach of the Peace by Damaging or Destroying A U.S. Flag .....	43
3.11 Hazing.....	43
3.12 False Complaints of Police Misconduct .....	44
3.13 Intimidation of Witnesses.....	44
3.14 Intimidation of Victims.....	44
3.15 Duty to Aid Victim or Report Crime .....	44
3.16 Battery.....	44
3.17 Attempted Battery .....	44
3.18 Refusing to Aid Officer .....	44
3.19 Escape .....	44
3.20 Impersonating Peace Officers.....	45
3.21 Loud and Unnecessary Noise Prohibited .....	45
3.22 Restrictions on the Use of Laser Pointers.....	45
3.23 Obstructing Emergency or Rescue Personnel.....	45
3.24 Resisting or Obstructing an Officer .....	45
3.25 Neglecting a Child .....	45
3.26 Prohibiting the Harboring of Minors without Parental Consent .....	45
3.28 Loitering/Prowling .....	46
3.29 Loitering in School and Playground Areas Prohibited .....	46
3.30 Possession of Oleoresin of Capsicum by a Felon .....	46
3.31 Possession of Nitrous Oxide.....	46
3.32 Consumption and Possession of Intoxicating Liquors or Fermented Malt Beverages on Public Ways and Public Property .....	46
3.33 Solicitation of Drinks Prohibited .....	47
3.34 Drinking in Common Carriers.....	47
3.35 Abandoned or Unattended Refrigerators, Etc. Prohibited.....	47
3.36 Drug Paraphernalia .....	47
3.37 Possession of Marijuana .....	47
3.38 Possession/Use of Tobacco and Vapor Products by Minors .....	47
3.39 Restrictions on Sale or Gift of Cigarettes or Tobacco/Vaping Products.....	50

3.40 Issuance of Worthless Checks.....	50
3.41 Petty Theft .....	50
3.42 Attempted Petty Theft.....	50
3.43 Retail Theft.....	50
3.44 Theft of Cellular Telephone Service.....	51
3.45 Theft of Television Service .....	51
3.46 Theft of Satellite Cable Programming.....	51
3.47 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes .....	51
3.48 Removal of Shopping Cart .....	51
3.49 Receiving Property from a Child .....	51
3.50 Receiving Stolen Property.....	51
3.51 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station .....	51
3.52 Fraudulent Return or Merchandise .....	52
3.53 Trespass to Land .....	52
3.54 Trespass to Dwellings.....	52
3.55 Criminal Trespass to a Medical Facility.....	52
3.56 Entry onto a Construction Site or into a Locked Building, Dwelling, or Room .....	52
3.57 Entry into a Locked Vehicle.....	52
3.58 Entry into a Locked Coin Box .....	52
3.59 Criminal Damage to Railroads .....	53
3.60 Damage to Property.....	53
3.61 Graffiti .....	53
3.62 Unlawful Use of Telephone .....	53
3.63 Unlawful Use of Computers.....	53
3.64 Sending Obscene or Sexually Explicit Electronic Messages.....	53
3.65 Tampering with Public Records and Notices .....	53
3.66 Fornication .....	53
3.67 Sexual Gratification.....	54
3.68 Lewd and Lascivious Behavior .....	54
3.69 Obscene Material or Performance .....	54
3.70 Making Lewd, Obscene, or Indecent Drawings .....	54
3.71 Prostitution .....	54

3.72 Patronizing Prostitutes.....	54
3.73 Pandering .....	54
3.74 Harassment .....	54
3.75 Vagrancy.....	55
3.76 Exposing a Child to Harmful Material or Harmful Descriptions or Narrations.....	55
3.77 Sexual Assault (Fourth Degree).....	55
3.78 Invasion of Privacy .....	55
3.79 Smoking Prohibited in Certain Areas .....	55
3.80 Synthetic Cannabinoid Prohibited .....	59
3.81 Misuse of 911 Emergency Telephone Service .....	59
3.82 Defamation .....	60
3.83 Giving False Information for Publication .....	60
3.84 Opening Letters.....	60
3.85 Representation Depicting Nudity.....	60
3.86 Use of a Drone .....	60
3.199 Penalty, Severability, and Enforcement.....	60
CHAPTER 4 – Public Welfare .....	62
4.01 Public Nuisance .....	62
4.02 Reserved.....	73
4.03 Alcohol Beveridge Regulations .....	73
4.04 Reserved.....	78
CHAPTER 5 – Public Nuisances.....	79
5.01 Public Nuisances Prohibited .....	79
5.02 Definitions .....	79
5.03 Abatement of Public Nuisances .....	83
5.04 Penalties.....	83
CHAPTER 6 – Licenses, Permits and Fees.....	84
6.01 Building Permits .....	84
6.02 Driveway Permits .....	84
6.03 Flammable Liquids Storage Tanks.....	84
6.04 Blasting Permits .....	84
CHAPTER 7 – Explosives and Blasting Regulations .....	85
7.01 Purpose of Chapter .....	85

7.02 Definitions .....	85
7.03 Regulations of Explosive Materials and Blasting .....	86
7.04 Temporary Permits .....	88
7.05 Regulations of Blasting Resultants .....	88
7.06 Monitoring .....	91
7.07 PreBlast Survey and Notification .....	92
7.08 Enforcement and Penalty Provisions .....	93
CHAPTER 8 – Parks and Recreation .....	95
8.01 Park Rules and Regulations.....	95
8.02 Park Impact Fee Regulation .....	97
8.03 Designation and Regulation of ATV and UTV Routes .....	100
CHAPTER 9 – Building and Construction.....	102
9.01 Construction Codes.....	102
9.02 Building Permits .....	102
9.03 Occupancy and Open Houses .....	103
9.04 Road Construction .....	103
9.05 Driveway Ordinance.....	105
CHAPTER 10 – Fire Regulation .....	110
10.01 General Authority .....	110
10.02 Fire Cost Reimbursement .....	110
10.03 Fire Inspections .....	110
CHAPTER 11 – Recycling.....	111
11.01 Purpose of Chapter .....	111
11.02 Statutory Authority .....	111
11.03 Abrogation and Greater Restrictions.....	111
11.04 Interpretation .....	111
11.05 Severability.....	111
11.06 Applicability.....	111
11.07 Administration .....	111
11.08 Effective Date.....	111
11.09 Definitions.....	111
11.10 Separation of Recyclable Materials .....	113
11.11 Separation Requirements Exempted.....	113

11.12 Care of Separate Recyclable Materials .....	114
11.13 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste ..	114
11.14 Preparation and Collection of Recyclable Materials .....	114
11.15 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.....	115
11.16 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.....	115
11.17 Prohibitions on Disposal of Recyclable Materials Separated for Recycling .....	116
11.18 Enforcement .....	116
11.19 Haulers .....	116
11.20 Designated Hauler.....	117
11.21 Fees for Designated Hauler.....	118
11.22 Haulers' Right to Reject Materials .....	118
11.23 .....	119
CHAPTER 12 – Nonmetallic Mining.....	120
12.01 Purpose of Chapter .....	120
12.02 Definitions.....	120
12.03 Applicability of Chapter .....	121
12.04 Exempt Activities .....	121
12.05 Applications for Permits.....	122
12.06 Permit Approval and Appeal Process .....	123
12.07 Minimum Reclamation Standards .....	124
12.08 Standards Applied to All Permits .....	124
12.09 Renewal of Permit.....	126
12.10 Existing Nonmetallic Mining Operations .....	127
12.11 Project Site Modification or Enlargement .....	127
12.12 Fees .....	127
12.13 Inspection.....	127
12.14 Enforcement and Penalties.....	128
CHAPTER 13 – Mobile Home Regulation .....	130
13.01 Regulatory Authorities Adopted .....	130
13.02 Mobile Home Park Regulations .....	130
CHAPTER 14 – Zoning and Land Use .....	133
14.01 Comprehensive Plan .....	133

14.02 Zoning Regulation .....	133
14.03 Land Division .....	143
CHAPTER 15 – Elections .....	154
15.01 Number of Election Officials .....	154
15.02 Election Split Shifts.....	154
15.03 Destruction of Election Materials .....	154
CHAPTER 16 – Traffic Control .....	155
16.01 State Traffic Laws Adopted .....	155
16.02 Official Traffic Signs and Signals.....	159
16.03 Illegal Signs.....	159
16.04 Disorderly Conduct with a Motor Vehicle .....	160
16.05 Negligent Operation of Vehicle .....	160
16.06 Compression Brakes Prohibited.....	160
16.07 Enforcement Procedure.....	160
16.08 Heavy Truck Routes .....	161
16.09 Parking .....	161
16.10 Definitions.....	162
16.11 Unlicensed Motor Vehicles .....	163
16.12 Abandoned Motor Vehicles .....	163
16.13 Junked Vehicles.....	163
16.14 Enforcement Procedure.....	163
16.99 Penalty, Severability, and Enforcement .....	164
CHAPTER 17 – Animal Control .....	165
17.01 Definitions.....	165
17.02 Mistreating Animals.....	165
17.03 Animals at Large.....	165
17.04 Dangerous or Wild Animals .....	165
17.05 Noisy Animals.....	165
17.06 Dogs Licensed.....	166
17.07 Nuisance Animals.....	166
17.08 Animals Causing Damage or Injury .....	166
17.09 Keeping Nuisance Animals.....	166
17.10 Prohibited Amphibians, Arachnids, or Reptiles .....	167

17.11 Exceptions .....	167
17.12 Dog Napping and Catnapping .....	167
17.13 Decompression Prohibited .....	167
17.14 Leading Animal from Motor Vehicle.....	167
17.15 Transportation of Animals .....	167
17.16 Use of Poisonous and Controlled Substances .....	167
17.17 Shooting at Caged or Staked Animals.....	167
17.18 Providing Proper Food and Drink to Confined Animals.....	168
17.19 Providing Proper Shelter.....	168
17.20 Keeping of Dangerous/Potentially Dangerous Dogs Regulated .....	168
17.21 Enforcement Authority .....	170
17.22 Disposition .....	170
17.23 Animals; Humane Officers .....	170

## CHAPTER 1 – GENERAL PROVISIONS

### 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 give 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 affected.

### 1.04 Jurisdiction

Unless otherwise provided in this Code, this Code applies to acts performed within the Town of Chase, Oconto County, Wisconsin. Every change, unsuccessful and successful will be reviewed and any identified post-implementation actions will be documented.

### 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

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

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.

### 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 date of the Annual Meeting in the 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 a majority vote of the Town Board at the April 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 a majority vote of the Town Board at the April 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 a majority vote of the Town Board 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 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

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 (BOR).
  - 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. 70.47, Wis. Stats.
  - 3. Hearing Procedures.
    - a. Sworn Telephone or Sworn Written Testimony Requests:
      - i. In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written w statement, he or she must first comply with the following procedures: a) the legal requirement to provide notice of intent to appear at BOR must be satisfied, and b) an Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the BOR as required by law. After the two requirements outlined above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at the Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be filed with the clerk of the BOR within the first 2 hours of the BOR's first scheduled meeting.
      - ii. Criteria to Be Considered:  
The board may consider any or all of the following factors when deciding whether to grant or deny the request:
        - 1. The requester's stated reason(s) for the request as indicated on the PA-814
        - 2. Fairness to the parties
        - 3. Ability of the requester to procure in-person oral testimony and any due diligence exhibited by the requester in procuring such testimony
        - 4. Ability to cross-examine the person providing the testimony
        - 5. The BOR's technical capacity to honor the request

6. Any other factors that the board deems pertinent to deciding the request
- b. Waiver of Board of Review Hearing Requests:
  - i. In order for a taxpayer or assessor, or at its own discretion to waive the hearing of an objection the taxpayer must first complete and file with the Clerk of the BOR the following documents: a) A timely Notice of Intent to appear at BOR; and b) A timely Objection Form for Real Property Assessment (PA-115A);
  - ii. If the owner fails to file the aforementioned documents as required, no hearing will be scheduled on the objection.
  - iii. If the owner files the aforementioned documents as required and a request from a taxpayer or assessor, or at its own discretion is made to waive the hearing of an objection, the BOR shall use the following criteria when making its decision.
  - iv. Criteria to Be Considered:
    1. The BOR, may consider any or all of the following factors when deciding whether to waive the hearing:
      - a. The benefits or detriments of the BOR process
      - b. The benefits or detriments of having a record for the Court review
      - c. Avoidance of unruly, lengthy, burdensome appeals
      - d. Ability to cross-examine the person providing the testimony
      - e. Any other factors that the BOR deems pertinent to deciding whether to waive the hearing
4. Alternates.
  - a. The Town Board shall appoint alternates to serve on the Town Board of Review in the event a standing board member of the Board of Review is removed or unable to serve for any reason. The Town Board may provide for the appointment of the alternates at a properly noticed board meeting prior to the Board of Review.
5. Confidentiality of Assessor Income and Expense Information.
  - a. Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information that is provided to the Assessor shall be held by the Assessor on a confidentiality basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court

determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

- (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.
  - 3. Decisions.
    - a. All decisions of the Plan Commission shall require the vote of a majority of the members of the Commission.
    - b. All decisions of the Plan Commission shall be advisory and be in the form of a recommendation to the Town Board for final consideration.
  - 4. Authority; Establishment (7-Member)
    - a. The Town Board of the Town of Chase, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.
  - 5. Membership (7-Member)
    - a. The Plan Commission consists of Two (2) town board officials, one (1) Town Clerk (or Deputy Clerk), and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
  - 6. Appointments
    - a. The Town Board Chairperson shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the

month of April, to fill any expiring term. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

7. Terms of Office (With Citizen Member Terms Staggered)

- a. The full term of office for one (1) Town Board Chairperson, one (1) Town Board Supervisor, one (1) Park Commission Chairperson, shall be for a period of 2 years, and the four (4) citizen members shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified.
- b. (1) Initial Terms. (7-member) If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: one (1) persons for a term that expires in one (1) year; one (1) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. If the initial appointments are made after April, the first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: one (1) person for a term that expires one (1) year from the previous April 30; two (2) persons for a term that expires two (2) years from the previous April 30; and one (1) persons for a term that expires three (3) years from the previous April 30.
- c. Commission officers shall be elected by the Commission members for one-year terms.

8. Vacancies and Removals

- a. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- b. The Town Chairman shall appoint personnel to fill the vacancies, subject to the approval of the Town Board.
- c. The Plan Commission members shall be removable by a majority vote of the Town Board for cause upon written charges.

9. Compensation; Expenses

- a. The Town Board of the Town of Chase shall determine the per diem allowance per meeting by resolution for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

10. Experts & Staff

- a. The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

11. Rules; Records

- a. The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.
- 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.

12. Chairperson & Officers

- a. Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 6 and 7 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
  - i. provide leadership to the Commission;
  - ii. set Commission meeting and hearing dates;
  - iii. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  - iv. preside at Commission meetings and hearings; and
  - v. ensure that the laws are followed.
- b. Vice Chairperson. The Plan Commission may elect, by open vote under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- c. Secretary. The Plan Commission shall elect, by open vote under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

13. Commission Members as Local Public Officials

- a. All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

14. General & Miscellaneous Powers

- a. The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:
  - i. Necessary to enable it to perform its functions and promote Town planning.
  - ii. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities, and organizations.
  - iii. To recommend to the Town Board programs for public improvements and the financing of such improvements.
  - iv. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
  - v. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, the entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrants.

15. Town Comprehensive Planning: General Authority & Requirements

- a. The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.
- b. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before November 12, 2020, so that the Town comprehensive plan is in effect by the date on which specific Town actions must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.
- c. In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

16. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

- a. Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- b. Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:
  - i. the Town Board adopted written procedures to foster public participation and such procedures allowed public participation at each stage of preparing the comprehensive plan;
  - ii. the plan contains the nine (9) specified elements and meets the requirements of those elements;
  - iii. the (specified) maps and (specified) other descriptive materials relate to the plan;
  - iv. the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  - v. the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.
- c. Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
  - i. Every governmental body that is located in whole or in part within the boundaries of the governmental unit.
  - ii. The clerk of every local governmental unit that is adjacent to the local governmental unit that is subject of the plan that is adopted or amended as described in par.
  - iii. After September 1, 2005, the Department of Administration.

- iv. The regional planning commission in which the local governmental unit is located.
- v. The public library that serves the area in which the local governmental unit is located.

17. Plan Implementation & Administration

- a. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
  - i. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under such. V of Ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
  - ii. Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
  - iii. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - iv. Other. Any other ordinance specified by the Town Board (Note: e.g. historic preservation, design review, site plan review).
- b. Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
- c. Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- d. Program administration. The Plan Commission shall, pursuant to County Zoning under Sec. 59.69, Wis. Stats. and the established Town and County review process, have the following powers.
  - i. Rezone Petitions. Petitions to rezone under County Zoning authority and the established Town and County review process shall be referred to the Town Plan Commission for review and recommendation to the Town Board.
  - ii. Conditional Use Permit Applications. Conditional Use permit applications pursued under County Zoning authority and the established Town and County review process shall be referred to the Town Plan Commission for review and recommendation to the Town Board.

- iii. Land Division Review. Proposed plats and land divisions proposed under ch. 236, Wis. Stats. and Oconto County Land Division authority under sec. 236.45, Wis. Stats. and any other applicable Town or County ordinances shall be referred to the Town Plan Commission for review and recommendation to the Town Board.
- e. Consistency. When the Plan Commission considers any action that is subject to consistency requirement in sec. 66.1001 (3), Wis. Stats., the action of the Plan Commission shall, as of November 12, 2020, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

18. Referrals to the Plan Commission

- a. Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
  - i. The location and architectural design of any public building.
  - ii. The location of any statue or other memorial.
  - iii. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
    - 1. street, alley or other public way;
    - 2. park or playground;
    - 3. airport;
    - 4. area for parking vehicles; or
    - 5. other memorial or public grounds.
  - iv. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - v. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
  - vi. The location, character and extent or acquisition, leasing or sale of lands for
    - 1. public or semi-public housing;
    - 2. slum clearance;
    - 3. relief of congestion; or
    - 4. vacation camps for children.
  - vii. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; and a Town official map; and Town zoning under village powers.

- b. Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- i. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - ii. An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - iii. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
  - iv. Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
  - v. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - vi. Matters relating to the establishment or termination of a business improvement district are required to be referred under sec, 66.1109, Wis. Stats.
  - vii. A proposed housing project under sec. 66.1211(3), Wis. Stats.
  - viii. Matters relating to urban redevelopment and renewal in the Town are required to be referred under such. XIII of ch. 66, Wis. Stats.
  - ix. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - x. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- c. Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
- i. Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
  - ii. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  - iii. A proposed driveway access ordinance or amendment.
  - iv. (d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
  - v. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec.

- 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under such. V of Ch. 91, Wis. Stats.
- vi. An application for a rezone or conditional use permit pursuant to County Zoning under Sec. 59.69, Wis. Stats. and the established Town and County review process.
  - vii. A proposed site plan.
  - viii. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
  - ix. A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
  - x. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
  - xi. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
  - xii. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  - xiii. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
  - xiv. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
  - xv. A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
  - xvi. A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
  - xvii. A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
  - xviii. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

- d. Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
  - i. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
  - ii. A proposed county zoning ordinance or amendment.
  - iii. A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
  - iv. An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
  - v. A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
  - vi. A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - vii. A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
  - viii. Any other matter deemed advisable for referral to the Plan Commission for report.
- e. Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable

## 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.

## 2.09 Tax Collector Bond Exemption

- (1) The Town of Chase tax collector is exempted from giving the bond specified in s. 70.67(2), Wis. Stats. The Town of Chase hereby obligates itself to pay, in case the town tax collector fails so to do, all state and county taxes that the tax collector is required to pay to the county treasurer.

## 2.10 Creation of Joint Municipal Court

- (1) Municipal Court Created. Pursuant to Chapter 755, Wisconsin Statutes there is hereby created and established a municipal court designated “municipal court for the Village of Suamico, the Town of Chase, and the Town of Little Suamico” and identified as “Suamico Area Joint Municipal Court” and will be presided over by a municipal judge. This court shall become an operating court on January 1, 2020.
- (2) Municipal Judge. Pursuant to Chapter 755, Wisconsin Statutes the office of municipal judge is hereby created. The eligibility for the office of municipal judge shall be as follows “to be eligible for the office of municipal judge a person must be a qualified elector in one of the municipalities.” The judge must be a licensed attorney, and in good standing, with the Wisconsin State Bar Association. The current municipal judge for the Village of Suamico Municipal Court will remain as judge through the end of his current term which expires on April 30, 2023, or unless he resigns his position prior to the end of his term.
- (3) Election and Term of Judge. The judge appointed must run for election at large in the spring election in odd-numbered years for a term of four years commencing on May 1. Electors of the municipalities shall be eligible to vote for the municipal judge. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection in a primary election if such is held is provided in §8.11, Wis. Stats. The clerk of Brown County shall serve as the filing officer for the candidates. The municipal judge shall receive a fixed salary and municipal judges training pursuant to §755.18 Wis. Stats. The salary shall be determined by the Village of Suamico Board.
- (4) Bond and Oath of Municipal Judge. The municipal judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1) Wis. Stats. pursuant to §755.03 Wis. Stats. and at the same time shall execute and file an official bond. The municipal judge shall have jurisdiction as provided by the statutes and laws of the State of Wisconsin and pursuant to §755.045 Wis. Stats. Additionally, the municipal judge shall have exclusive jurisdiction over actions in the municipalities seeking to impose forfeitures for violations of municipal ordinances, resolutions, and bylaws. The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under §755.045(2) and §66.0119 Wis. Stats. The municipal judge also has jurisdiction over juvenile defenders pursuant to Wisconsin Statutes §938.17(2)(cm).
- (5) Procedures of Joint Municipal Court
  - a) The joint municipal court shall be open as determined by order of the municipal judge.
  - b) The joint municipal court shall be held in the courtroom which is located in the Village of Suamico municipal building.

- c) The procedure in joint municipal court shall be as provided in the statutes and laws of Wisconsin.
- (6) Municipal Court. Pursuant to Chapter 755 Wisconsin Statutes, the office of the clerk of the municipal court is hereby created. Said clerk shall take the position upon appointment of the municipal judge. Training and compensation of said clerk shall be as determined by the municipal court and/or the Village of Suamico.
- (7) Collection of Forfeitures and Costs. The municipal judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats. as provided in the ordinances of the municipalities. All forfeitures, fees, assessments, surcharges, and costs shall be paid to the treasurer of the municipality within which the case arose within thirty (30) of receipt of the money by the municipal court. At the time of the payment, the municipal court shall report to the treasurer the title of the action, the nature of the offenses, and the total amount of judgments imposed in actions and proceedings in which such monies were collected.
- (8) Contempt of Court. The municipal judge may impose a sanction as authorized under §800.12(2) Wis. Stats., for contempt of court as defined in §785.01(1) Wis. Stats. In accordance with the procedures under §785.03, Wis. Stats.
- (9) Termination. Any municipality may withdraw from this agreement by giving notice in writing to the judge no later than August 31, of any year. Upon giving such notice, the municipality's participation in the municipal court shall terminate at the end of the said year. No member, pursuant to Wis. Stats. §755.01(2), may abolish municipal court while this agreement is in effect.

## 2.11 Public Records

- (1) Definitions.
- (a) Authority: any Town entity or official having custody of a Town record, including, without limitation, an office; elected or appointed official; agency; board; commission; committee; municipal court; department or public body corporate or politic created by constitution, law, ordinance, rule, or order; or a formally constituted subunit of any of the foregoing.
- (b) Custodian: the officer, department head, division head or employee of the Town designated under Section 2.10(2) or otherwise responsible by law to keep and preserve any Town records or file, deposit or keep such records or file, deposit or keep such records in his or her office, or who is lawfully in possession or entitled to possession of such public records and who is required by this section to respond to requests for access to such records.
- (c) Record: any material on which written, draw, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by the Town.
1. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs,

and any other medium on which electronically generated or stored data is recorded or preserved.

2. "Record" does not include:
  - a. Drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working;
  - b. Materials that are purely the personal property of the custodian and have no relation to his or her office;
  - c. Materials to which access is limited by copyright, patent, or bequest; and
  - d. Published materials in the possession of an Authority that are available for sale or for inspection at a public library.
3. The data in electronically generated material may constitute a public record and is subject to maintenance as a public record.

(2) Records Custodian. Each Town Supervisor is the legal custodian of his or her Records. The Town Clerk or the Town Clerk's designee shall act as the legal custodian of the Records for the Town Board and any committees, commissions, boards, or other authorities created by ordinance of the Town Board.

(3) Public Access to Records.

- (a) Except as provided in this section or by law, any person has a right to inspect a Record and to make or receive a copy of any Record as provided in Wis. Stat. § 19.35(1).
- (b) Records will be available for personal inspection and copying by appointment only. The Town must receive at least 24 hours' prior written notice of a requester's intent to personally inspect or copy records, and the Town will work with the requester to schedule a mutually convenient time in short order.
- (c) The legal custodian may supervise any inspection or copying or impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (d) A requester shall be charged a fee to defray the cost of locating and copying records as follows:
  1. The cost of locating shall be \$21 per hour, prorated to the nearest quarter of an hour.
  2. The cost of photocopying shall be \$0.25 per page. Such cost has been calculated not to exceed the actual, necessary, and direct cost of photocopying.
  3. If the form of a Record does not permit photocopying, the actual and necessary cost of reproduction of the Record shall be charged.

4. The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.
5. If mailing or shipping is necessary, the actual cost thereof shall also be charged.
6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment if such estimate exceeds \$5.
7. Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(4) Access Procedures.

- (a) Requests for Records shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record, or the information requested.
- (b) Request for record is not sufficient if it does not have a reasonable limitation as to the subject matter or length of time represented by the record.
- (c) A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stat. § 19.37.
- (d) A request made by e-mail may be responded to via e-mail or in writing and shall have all of the formalities as though the request was made in writing.
- (e) The Town cannot refuse the request if:
  1. The person making the request is unwilling to be identified or to state the purpose of the request;
  2. The request is received by mail unless prepayment of a fee is required under Section 2.10(3)(d)(6).
- (f) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the Town Attorney, determines that a written request is so general as to be unduly time consuming, the party making the request may first be required to itemize his or her request in a manner which would permit reasonable compliance.
- (g) E-mailing Records. When practicable, records may be e-mailed to the requestor. In order to ensure the integrity of Town records, any e-mailed document shall be converted to a secure format prior to sending the document to anyone outside of the Town government. There shall not be any reproduction charge for e-mailing records, however, such records may still be subject to payment of a location fee as established in Wis. Stat. § 19.35(3)(c) and this Ordinance.

(h) Denying Request.

1. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five (5) business days of the oral denial.
2. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request.
3. Every written denial of a request shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under Wis. Stat. § 19.37(1), or upon application to the Attorney General or a District Attorney.

(5) Limitations on Right to Access.

(a) As provided by Wis. Stat. § 19.36, the following records are exempt from inspection under this chapter:

1. Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.
2. Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aid by the state.
3. Computer programs, although the material used as input for a computer program, or the material produced as a product of the computer program is subject to inspection.
4. A record or any portion of a record containing information qualifying as a common law trade secret.

(b) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the Town Attorney, may deny the request, in whole or in part, only if he or she determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

1. Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.
2. Records of current deliberations after a quasi-judicial hearing.
3. Records of current deliberations regarding any Town officer or employee concerning employment, dismissal, demotion, compensation, performance or discipline, or the investigation of charges against a Town

officer or employee, unless such officer or employee consents to such disclosure.

4. Records concerning current strategy for crime detection or prevention.
5. Records of current deliberations or negotiations on the purchase of Town property, investing of Town funds or other Town business whenever competitive or bargaining reasons require nondisclosure.
6. Financial, medical, social, or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.
7. Communications between legal counsel for the Town and any officer, agent or employee of the Town, when advice is being rendered concerning strategy with respect to current litigation in which the Town or any of its officers, agents or employees is or is likely to become involved, or communications which are privileged under Wis. Stat. § 905.03.

(6) Retention Schedule. The Town, in accordance with Wis. Stat. §§ 19.21(4)(b) & 16.61(3)(e), adopts the following records retention schedules:

- (a) Retention Schedule: The Town retention schedule shall be in accordance with the provisions of Wis. Stat. §§ 16.61(3)(e) & 19.21(4), and such records shall be maintained in accordance with the provisions of that schedule. Such schedule must be approved by the Wisconsin Public Records Board and published by the Town.
- (b) Records that are Evidence: No record may be destroyed that has been identified as, or that may have value as, evidence in any civil or criminal legal proceeding, labor arbitration or disciplinary action. No record may be destroyed at any time within sixty (60) days of the denial of a request to review the record or any part thereof.
- (c) Compliance with Federal or Other Retention Requirements: Notwithstanding the retention schedule, custodians may not destroy any record where any contract, grant, funding conditions, state or federal statute require that such records be maintained for a longer period of time.
- (d) Offer of Records to State Historical Society Before Destruction: The Town is required to offer all obsolete records to the State Historical Society in accordance with Wis. Stat. § 19.21(4)(a), prior to destruction of those records. The Town may apply to the State Historical Society for a waiver of this requirement as to certain categories of records under such person's authority that they reasonably believe have little or no significant historical value.

(7) Electronic Formatting or Other Reproduction of Records.

- (a) Any Town officer, or the director of any department or division of Town government may retain and preserve public records in his/her possession by means of microfilm, or another reproduction method, optical imaging, or electronic formatting. Such records shall be considered original records for all purposes.
  - (b) Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law.
  - (c) This ordinance does not require that past copies of a record be converted to the new format(s).
- (8) Severability. The provisions of this ordinance are severable. If any provision of this ordinance is held to be invalid or unconstitutional or if the application of any provision of this ordinance to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared the intent of the Town is that this ordinance would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

## CHAPTER 3 – Public Safety

### 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 3.199, 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

- (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 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 lingering 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 the 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 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 Town 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.
  - (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, Town 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, Town, 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.

### **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 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. Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.40 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **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 containers.
  - (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 Town 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 buildings 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.
  - (b) Persons violating the provisions of Sec. 175.60(2g)(b) or (c), Wis. Stats., shall be subject to a forfeiture; 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 the 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 an authorization under Section 167.10(3), Wis. Stats., shall be the individual or entity claiming authorization or permission.
- (4) Penalty. Persons violating the provisions of this Section shall be subject to a forfeiture.

### 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>(Cycles 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, and 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.
- (e) 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 the 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 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 that 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 public interest and results in minimal harm to public health, safety, and welfare. The application shall be made

- in writing to the Town Clerk not less than 30 days prior to the 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:  
All Town Roads are 45 MPH unless posted otherwise.  
See APPENDIX "C"
- (2) 35 Mile Per Hour Limit. The following roads shall have a speed limit of 35 miles per hour:  
See APPENDIX "C"
- (3) 25 Mile Per Hour Limit. The following roads shall have a speed limit of 25 miles per hour:  
See APPENDIX "C"

### **3.09 Disrupting a Funeral or Memorial Service**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.011(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.10 Causing Violence or Breach of the Peace by Damaging or Destroying A U.S. Flag**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter. o 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.

### **3.11 Hazing**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.51(1), (2), and (3)(a) are hereby adopted and by reference made part of this chapter as if fully

set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.12 False Complaints of Police Misconduct**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.13 Intimidation of Witnesses**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.42 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.14 Intimidation of Victims**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.44 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.15 Duty to Aid Victim or Report Crime**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.34 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.16 Battery**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.19(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.17 Attempted Battery**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.18 Refusing to Aid Officer**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.40 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.19 Escape**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.42(1), (2), and (4) are hereby adopted and by reference made part of this chapter as if fully set

forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.20 Impersonating Peace Officers**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.70(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.21 Loud and Unnecessary Noise Prohibited**

(1) No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises which may annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park, or any private residence.

(2) No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires, excessive acceleration of the engine, excessive braking, or by emitting unnecessary and loud muffler noises.

### **3.22 Restrictions on the Use of Laser Pointers**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.299 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.23 Obstructing Emergency or Rescue Personnel**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.37(1) and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.24 Resisting or Obstructing an Officer**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.41(1), (2), and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.25 Neglecting a Child**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.26 Prohibiting the Harboring of Minors without Parental Consent**

It shall be unlawful for any owner, tenant, or person in control of a residence or other facility to allow a child under the age of eighteen (18) to loiter, idle, or remain in said residence or upon said property without the consent of the child's parent, guardian, or spouse.

### **3.28 Loitering/Prowling**

(1) Loitering or Prowling Prohibited. No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a police or peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impracticable, a police officer or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) Obstructing Streets and Sidewalks Prohibited. No person shall loaf or loiter in a group or crowd upon the public streets, alleys, sidewalks, street crossing or bridges, or in any other public place within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of the public streets, alleys, sidewalks, street crossings or bridges, or other public places by persons passing along and over the same.

(3) Loitering in Public Places. No person shall loiter, lounge, or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly for public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

### **3.29 Loitering in School and Playground Areas Prohibited**

No person not in official attendance or on official school business shall enter into, congregate, loiter, wander, stroll, stand, or play in or on any school property within the Town between 7 a.m. and 10 p.m. on official school days.

### **3.30 Possession of Oleoresin of Capsicum by a Felon**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.26(4)(L) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.31 Possession of Nitrous Oxide**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.315(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.32 Consumption and Possession of Intoxicating Liquors or Fermented Malt Beverages on Public Ways and Public Property**

(1) No person shall consume any intoxicating liquor or fermented malt beverage upon the public highways, streets, alleys, sidewalks, street crossings, bridges, public parks or parking lots or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, in the Town except for approved community functions or events where authorized by specific resolution of the Board.

(2) All purchases of intoxicating liquor or fermented malt beverage by the glass or in open containers shall be consumed on the licensed premises where served, and shall not be removed therefrom to any public highway, street, alley, sidewalk, street crossing, bridge, public park, parking lot, or premises held out to the public for use of their motor vehicles, whether the premises are publicly or privately owned, within the Town.

(3) No person shall bring upon, use, consume, sell or convey any intoxicating liquor or fermented malt beverage in or upon any property, building, or other structure which is owned or under control of the Town except in such places as may be designated by the Town and in accordance with the rules and regulations as may be from time to time adopted by the Board.

### **3.33 Solicitation of Drinks Prohibited**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.36 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.34 Drinking in Common Carriers**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.04 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.35 Abandoned or Unattended Refrigerators, Etc. Prohibited**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §167.25 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.36 Drug Paraphernalia**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §961.571, §961.572, §961.573(1) and (2), §961.574(1) and (2), §961.575(1) and (2), and §961.576 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.37 Possession of Marijuana**

(1) Possession Prohibited. The possession of twenty-five (25) grams or less of marijuana is hereby prohibited.

(2) Definitions. "Marijuana" shall have, for purposes of this section, the same meaning and definition as set forth in the provisions of Wis. Stats. §961.01(14), with the exception set forth in Wis. Stats. §961.41(3g).

(3) Defenses. Authorization of possession of marijuana under Wis. Stats. §961.32 or Wis. Stats. §961.335 shall be a defense to any offense alleged hereunder.

### **3.38 Possession/Use of Tobacco and Vapor Products by Minors**

(1) Statement of Purpose.

(a) The purpose of this section is to protect the public health, safety and welfare of the property and persons in the Town of Chase by prohibiting persons under eighteen (21) years of age from

possessing tobacco products and vapor products and prohibiting the sale of tobacco products and vapor products to persons under eighteen (21) years of age.

(b) Persons under age eighteen (21) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.

(c) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.

(d) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.

(e) The use of e-cigarettes and similar devices has increased significantly in recent years.

(f) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:

1. Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
2. PM <sub>2.5</sub>, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye, and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke.

(g) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine.

(h) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers have no way of knowing whether electronic smoking devices are safe, what types of potentially harmful chemicals the products contain, and what dose of nicotine the products deliver.

(i) Electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.

(j) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverses the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

(k) It is the intent of the Chase Town Board, in enacting the ordinance codified in this section, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.

(l) Therefore, the Chase Town Board determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the Town's best interest and will promote public health, safety, and welfare.

(2) Definitions. For the purpose of construction and application of this section, the following definitions shall apply:

(a) *Law Enforcement Officer*. The meaning given in Wis. Stats. §30.50(4s).

(b) *Minor*. Means an individual who is less than twenty-one (21) years of age.

(c) *Person who Sells Tobacco Products at Retail*. Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.

(d) *Person who Sells Vapor Products at Retail*. Means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

(e) *Possession of a Tobacco Product*. Shall mean either actual physical control of the tobacco product without necessarily owning that product, or the right to control the tobacco product even though it is in a different room or place than where the person is physically located.

(f) *Public Place*. Means a public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.

(g) *Tobacco Product*. Means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration. Tobacco product also has the meaning given in Wis. Stats. §139.75(12).

(h) *Use a Tobacco Product or Vapor Product*. Means to smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.

(i) *Vapor Product*. This means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery devices shall include any component part of such a product whether or not sold separately. Electronic delivery devices shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes and is being marketed and sold solely for that approved purpose.

(3) Prohibited Conduct.

(a) Consistent with Wis. Stats. § 254.92, a minor shall not do any of the following:

1. Purchase or attempt to purchase a tobacco product or vapor product.
2. Possess or attempt to possess a tobacco product or vapor product.
3. Use a tobacco product or vapor product in a public place.
4. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

(b) No individual, regardless of age, who is enrolled in secondary school may possess or attempt to possess a tobacco product or vapor product while on school property.

(c) An individual who violates Subsection (1) shall be subject to civil forfeiture, plus costs.

(d) An individual who violates Subsection (2) shall be subject to the following penalties:

1. For the violation, the person is responsible for a civil infraction punishable by a civil forfeiture, plus costs.

(e) Subsection (1) does not apply to a minor participating in any of the following:

1. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

2. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

3. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted with the prior approval of the state police or a local police agency.

(f) As stated in Wis. Stats. §254.92(2)(a), Subsection (1) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment if employed by a retailer licensed under Wis. Stats. §134.65(1).

(g) This section does not prohibit an individual from being charged with, convicted of or found responsible for, or sentenced for any other violation of law that arises out of the violation of Subsection (1).

(4) Enforcement. A law enforcement officer shall seize any cigarette or tobacco, or vaping product involved in any violation of Section 3.38 (2) committed in his or her presence.

(5) Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §134.66.07 & 101.123 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.39 Restrictions on Sale or Gift or Cigarettes or Tobacco/Vaping Products**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §134.66 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.40 Issuance of Worthless Checks**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.24(1), (3), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.41 Petty Theft**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.20(1), (2), (3)(a), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.42 Attempted Petty Theft**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §939.32(1) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.43 Retail Theft**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.50(1), (1m), (3), (3m), (4)(a), and (5) are hereby adopted and by reference made part of this

chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.44 Theft of Cellular Telephone Service**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.455(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.45 Theft of Television Service**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.46(1), (2), (4)(a), and (4)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.46 Theft of Satellite Cable Programming**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.47(1), (2), (3)(a), and (3)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.47 Fraudulent Tapping of Electric Wires or Gas or Water Meters or Pipes**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §941.36 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.48 Removal of Shopping Cart**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.55 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.49 Receiving Property from a Child**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.63 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.50 Receiving Stolen Property**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.34(1)(a) and §943.34(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.51 Fraud on Hotel or Restaurant Keeper, Recreational Attraction, Taxicab Operator, or Gas Station**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.21 are hereby adopted and by reference made part of this chapter as if fully set forth herein.

Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.52 Fraudulent Return or Merchandise**

It shall be unlawful for any person to return merchandise to a merchant for the purpose of claiming a cash refund or credit if the person intentionally deceives the merchant by doing any of the following:

- (1) Represents that such person purchased the merchandise when the person did not purchase it.
- (2) Represents that the merchandise was purchased from a particular merchant when it was not purchased from that merchant. Represents that the merchandise was purchased for a particular price when it was purchased for a lower price.
- (3) Gives the merchant a false name or address.

### **3.53 Trespass to Land**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.13 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.54 Trespass to Dwellings**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.14, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.55 Criminal Trespass to a Medical Facility**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.145 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.56 Entry onto a Construction Site or into a Locked Building, Dwelling, or Room**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.57 Entry into a Locked Vehicle**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.11 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.58 Entry into a Locked Coin Box**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.59 Criminal Damage to Railroads**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.07 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.60 Damage to Property**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.01(1), (2m), (3), and (4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.61 Graffiti**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.017(1), (4), and (5) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.62 Unlawful Use of Telephone**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.012 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.63 Unlawful Use of Computers**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.0125 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.64 Sending Obscene or Sexually Explicit Electronic Messages**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.25 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.65 Tampering with Public Records and Notices**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §946.72(2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.66 Fornication**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.15 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.67 Sexual Gratification**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.17 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.68 Lewd and Lascivious Behavior**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.20 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.69 Obscene Material or Performance**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.21(1), (2), (3), (4), and (6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.70 Making Lewd, Obscene, or Indecent Drawings**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.23 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.71 Prostitution**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.30 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.72 Patronizing Prostitutes**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §944.31 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.73 Pandering**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §943.33(1) and (3) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.74 Harassment**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.013(1), (1m), (1r), and (2) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter. (a) The act occurs while the actor is subject to an order or injunction under Wis. Stats. §813.12, §813.122, or §813.125 that prohibits or limits his or her contact with the victim.

### **3.75 Vagrancy**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §947.02 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.76 Exposing a Child to Harmful Material or Harmful Descriptions or Narrations**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §948.11(1) and (2)(b) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.77 Sexual Assault (Fourth Degree)**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §940.225(3m), (4), (5), and (6) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.78 Invasion of Privacy**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.08 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.79 Smoking Prohibited in Certain Areas**

It is recognized that smoking is not only hazardous to the health of those who smoke but also to the health of non-smokers when in the presence of those who are smoking. Therefore, the purpose of this ordinance is to protect public health, comfort, safety, and welfare by prohibiting smoking in certain areas.

(1) Definitions. For purposes of this section, the following terms have the meanings indicated:

(a) Bar. This means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

(b) Business. This means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

(c) With In Ten Feet of Any Concession Area. This means a place where food, drink, or other refreshments are purchased directly from a concession stand.

(d) Employee. This means a person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment and a person who volunteers his or her services for a non-profit entity.

(e) Employer. This means a person, business, partnership, association, trust, firm, or corporation, including a municipal corporation, for-profit or non-profit entity, or governmental agency under the Town's authority that has control over a place of employment.

(f) Enclosed Area. Is defined as a structure or area that has a roof and more than two (2) substantial walls. A "substantial wall" is a wall with no opening or with an opening that either does not allow air in from the outside or that is less than twenty-five percent (25%) of the wall's surface area. All operable windows must be opened to their full extent at all times of occupancy as a smoking area.

(g) Health Care Facility. This means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to hospitals, rehabilitation hospitals, or other clinics, including weight control clinics, nursing homes, or other similar types places.

(h) Place of Employment. Means any area under the control of an employer including, but not limited to, work areas, private offices, elevators, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, stairways, a lobby, and vehicles. A private residence shall not be considered a place of employment unless it is used as a childcare, adult daycare, or health care facility.

(i) Private Residence. Means premises owned, rented, or leased for temporary or permanent habitation, including lobbies, hallways, and other common areas in any apartment building, condominium, retirement facility, nursing home, or other multiple-unit residential facility.

(j) Public Place. This means any area into which the public is invited or permitted, regardless of whether a fee is charged, including elevators, reception areas, waiting rooms, cafeterias, restrooms, lobbies, hallways, and other common areas in any retail building, mixed-use commercial building, apartment building, condominium, retirement facility, nursing home or other multiple-unit residential facility. A private residence located within a mixed-use commercial building is not a public place unless it is used as a child care, adult daycare, or health care facility.

(k) Service Line. This means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to ATM lines, concert lines, or waiting for public transportation. The term "service line" does not include lines in which people wait in their vehicle such as a drive-through or car wash line.

(l) Smoking. This means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

(2) Prohibition of Smoking.

(a) Public Places. Smoking is prohibited in any enclosed area of a public place, service lines, or designated Town property. Nothing in this ordinance shall be interpreted as a limitation on the right of a property owner to prohibit smoking in any area where smoking is not prohibited by the ordinance.

(b) Place of Employment. It shall be unlawful for any person to smoke cigarettes or tobacco products in any enclosed area of a place of employment.

(c) Prohibited Areas. Smoking is prohibited in the following places: concession areas of restaurants, service lines, bus shelters, theatres, daycare centers, educational facilities, restaurants, taverns, private clubs, retail establishments, common areas of multiple unit residential properties, lodging establishments, inpatient health care facilities, government buildings, outdoor seating areas such as stadiums, bleachers or outdoor auditoriums for spectators of sports events, outdoor theaters, amphitheaters, public conveyances (mass transit vehicles and school buses), pavilions,

gymnasiums, swimming pools, skating rinks, bowling center, or similar areas used by spectators at other public events.

Smoking is prohibited in all enclosed places other than those listed, that are places of employment or public places.

(e) Town Parks. Smoking is prohibited in any enclosed area in Town parks.

(f) Paraphernalia Prohibited. Ashtrays, matches, and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(3) Exceptions. The following areas shall not be subject to the smoking restrictions of this ordinance:

(a) Private residences are exempt from this ordinance unless they are used as a child care facility, adult care facility, or health care facility.

(b) A room used by only one (1) person in an assisted living facility as his or her residence.

(c) A room in an assisted living facility in which two (2) or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(4) Posting of Signs.

(a) Every public place, place of employment, or any other area where smoking is prohibited by the ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international "No Smoking" symbol, a pictorial representation of a burning cigarette in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this ordinance. All such signs shall reference this subsection of the Town Code.

(b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet (10'). Every vehicle that constitutes a place of employment under this ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) It shall be unlawful for any person to remove, deface, or destroy any sign required by this ordinance, or to smoke in any place where any such sign is posted.

(5) Retail Sales of Cigarettes. Nothing in this ordinance shall prohibit retail sales of pre-packaged cigarettes and cigars upon obtaining a license pursuant to the Code of Ordinances.

(6) Enforcement. The Police Department, Fire Department, Town Zoning Administrator, or their designee shall have the power, under law, to enter upon the premises named in this ordinance to ascertain whether the premises are in compliance with this ordinance.

(a) The proprietor, employer, or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this ordinance and requesting that they extinguish their cigarette or tobacco product and refrain from smoking. If the person refuses to comply, the proprietor, employer, or other person in charge may ask the person to leave the premises and to contact law enforcement if the person does not leave after being requested to do so.

(b) Any person who desires to register a complaint under this ordinance may contact law enforcement.

(c) Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture per violation. Failure or refusal to pay the forfeiture may result in imprisonment for each violation. A separate offense is prohibited. Ashtrays, matches, and other smoking paraphernalia shall not be located in areas where smoking is prohibited.

(7) Exceptions. The following areas shall not be subject to the smoking restrictions of this ordinance:

(a) Private residences are exempt from this ordinance unless they are used as a childcare facility, adult care facility, or health care facility.

(b) A room used by only one (1) person in an assisted living facility as his or her residence.

(c) A room in an assisted living facility in which two (2) or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

(8) Posting of Signs.

(a) Every public place, place of employment, or any other area where smoking is prohibited by the ordinance shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. Every vehicle that constitutes a place of employment shall post a conspicuous sign likely to be seen by any occupant clearly stating that smoking is prohibited. Use of the international “No Smoking” symbol, a pictorial representation of a burning cigarette in a red circle with a red bar across the cigarette, shall be construed as a clear statement that smoking is prohibited. The posting of signs is an affirmative duty upon the owner or operator of a public place, but the failure of the owner or operator of a public place to post signs shall not be a defense to prosecution of a violation of this ordinance. All such signs shall reference this subsection of the Town Code.

(b) Each sign and the language contained therein shall be clearly visible from a distance of at least ten feet (10’). Every vehicle that constitutes a place of employment under this ordinance shall have at least one (1) conspicuous sign, visible from the exterior of the vehicle, clearly stating that smoking is prohibited.

(c) It shall be unlawful for any person to remove, deface, or destroy any sign required by this ordinance, or to smoke in any place where any such sign is posted.

(9) Retail Sales of Cigarettes. Nothing in this ordinance shall prohibit retail sales of pre-packaged cigarettes and cigars upon obtaining a license pursuant to the Code of Ordinances.

(10) Enforcement. The Police Department, Fire Department, Town Zoning Administrator, or their designee shall have the power, under law, to enter upon the premises named in this ordinance to ascertain whether the premises are in compliance with this ordinance.

(a) The proprietor, employer, or other person in charge of premises regulated hereunder, upon either observing or being advised of a violation, shall make reasonable efforts to prevent smoking in prohibited areas by approaching smokers who fail to voluntarily comply with this ordinance and requesting that they extinguish their cigarette or tobacco product and refrain from smoking. If the person refuses to comply, the proprietor, employer, or other person in charge may ask the person to leave the premises and to contact the Police Department if the person does not leave after being requested to do so.

(b) Any person who desires to register a complaint under this ordinance may contact the Police Department.

(c) Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture per violation. Failure or refusal to pay the forfeiture may result in imprisonment for each violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(11) Clean Indoor Air.

(a) Intent and Construction. The Town finds that it is in the interest of the health, safety, and welfare of the community to adopt by reference 2009 Wisconsin Act 12, and subsequent amendments, additions, and recodifications. This ordinance shall not be construed to mean that progressive discipline of Town employees for violations of laws, rules, and regulations is only authorized where explicitly provided by ordinance.

(b) Penalty. The penalties provided by 2009 Wisconsin Act 12 shall be in addition to the penalties provided for violation of Chapter 11.199 when a person has violated both laws. In addition to the penalties provided by this ordinance and 2009 Wisconsin Act 12, any Town employee who violates any provision of this ordinance or 2009 Wisconsin Act 12, may also be subject to progressive discipline by his or her employer.

### **3.80 Synthetic Cannabinoid Prohibited**

(1) Possession Use and Sale are Illegal. It shall be illegal for any person to possess or attempt to possess a controlled substances specified in Section 961.14(4)(b) to (d) Wisconsin Statutes as further defined in 2011 Wisconsin Act 31.

(2) First Offense Violation Only. Notwithstanding the foregoing, any person who is charged with possession of a controlled substances specified in Section 961.14(4)(b) and (d) following a conviction for a controlled substance in this state shall not be prosecuted under this ordinance pursuant to Section 66.0107(1)(b) Wisconsin Statutes.

(3) Penalties. Any person violating this section shall be subject to a forfeiture exclusive of cost and upon failure to pay the same shall be confined in the county jail for not more than ninety (90) days.

### **3.81 Misuse of 911 Emergency Telephone Service**

(1) Purpose. The primary purpose of this ordinance is to prevent the misuse of the emergency 911 number. Further, it is meant to encourage parents or the legal guardian of a minor, to maintain control over the actions of the minor and prevent the misuse of the 911 emergency number.

(2) Misuse. The intentional calling of the 911 emergency number and knowingly giving a false report, or no report, or as a prank when no emergency exists, and no valid request is made for emergency services.

(3) General Provisions.

(a) It shall be a violation of this ordinance for anyone to intentionally call the 911 emergency number to knowingly give false information, no information as a prank, or when no valid request for emergency services exists.

b. It shall also be a violation to knowingly encourage, aid, or permit another to make a call as defined above.

c. It shall also be a violation of this ordinance for anyone to hook up their alarm system to the 911 number.

(4) Each call shall be considered a separate violation.

(a) A parent or legal guardian of a minor may be found liable for any injury or damage, which may result from the misuse of the 911 number and penalties may be imposed under Wis. Stats. §895.035.

(b) This ordinance does not attempt to restrict emergency calls, but only to prevent the misuse of the 911 number.

(5) Penalty. Any person violating the provisions of this section shall, upon conviction, be subject to a forfeiture, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail not less than 2 days nor more than 90 days.

(a) Parents or a legal guardian may be held liable for the acts of minors subject to the above penalties, if they know or should have known that the absence of control of their minor may or could result in the misuse of 911.

### **3.82 Defamation**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.01 are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

### **3.83 Giving False Information for Publication**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.03 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 statute incorporated herein are intended to be made part of this chapter.

### **3.84 Opening Letters**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.05 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 statute incorporated herein are intended to be made part of this chapter.

### **3.85 Representation Depicting Nudity**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.09(1), (3m), and (5) 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 statute incorporated herein are intended to be made part of this chapter.

### **3.86 Use of a Drone**

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §942.10 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 statute incorporated herein are intended to be made part of this chapter.

### **3.199 Penalty, Severability, and Enforcement**

(1) **Penalty.** Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

(2) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

(3) Enforcement. Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or Police Department.

## CHAPTER 4 – Public Welfare

### 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 always 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 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.
- (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 Engineer – The owner, lessee or occupant of any build-

ing, 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 hereby consent to 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 held 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 always 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, always, 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 meetings 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, always. 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 Reserved**

## CHAPTER 5 – Public Nuisances

### 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 stench 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 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 always 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 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 Engineer – 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 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

No person shall alter, more than \$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 Permits

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

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 assembling, 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 Regulations 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 explosives use permit issued by the Town of Chase as hereafter set forth, to such person, his supervisor or employer.
  - (a) **Applications**. Applications for 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 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 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 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 air blast 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 air blast data when required; and
    - e. Vibrations and air blast 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 Regulations 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 ( $\pm 3$  Hz)
  - (b) Acoustic frequency range: 2 to 200 Hz ( $\pm 1$  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, after 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 using 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 because 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 another 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. 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 decide 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

- (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 always turned low 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 regarding 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.

### **8.03 Designation and Regulation of ATV and UTV Routes**

- 1) Adoption of State ATV and UTV Laws and Definitions: State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated hereby reference, pursuant to Wisconsin State Statutes 23.33(11)(a).
- 2) Routes
  - a) All town roads in the Town of Chase as well as any road that is signed in the Town of Chase in accordance with NR 64.12 and NR 64.12(7)(c), Wis. Adm. Code, may be used by ATV's and UTV's in accordance with such signage and as provided by the applicable portions of s. 23.33 Wis. Stats. and this ordinance.
  - b) The following roads cannot be used by ATV's or UTV's:
    - 1.All County Highways
    - 2.All State Highways
    - 3.All Federal Highways
- 3) Local Regulation. The operator of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATV/UTV's and the following conditions:
  - a) No person may operate an ATV or UTV on the roadway portion of any highway in the town unless it is a town road or a road that has been properly signed, in accordance with s. NR 64.12(7), Wis. Adm. Code, as an ATV and/or UTV route, by this ordinance.

- b) All ATV and UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe and given prevailing condition but shall not operate on the shoulders or in the ditch.
  - c) All ATV/UTV operation on any portion of a designated route shall not exceed the posted speed limit
  - d) All ATV/UTV operation on any portion of a designated route shall be single file in a line of ATV's and UTV's arranged one behind the other.
  - e) No person under the age of sixteen (16) may operate an ATV on a route or roadway unless accompanied by a parent or legal guardian.
  - f) All ATV's and UTV's operating on any portion of an established designed ATV or UTV route shall display lighted headlight(s) and taillights conforming to Wisconsin State Statue 23.33 equipment requirements at all times.
- 4) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- 5) Penalties.
- a) Any person who violates this section shall forfeit not more than \$250.00.
  - b) Nothing in this ordinance is intended to foreclose the enforcement of the provision of state law with regard to ATV and UTV operation, specifically including Wis. Stat. 23.33 in a court of competent jurisdiction.
- 6) The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to the person's circumstances shall not be deemed affected.
- 7) The Town clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), to state traffic patrol, and to the Oconto County Sheriff's Department per Wisconsin State Statue 23.33(11)(b).
- 8) This ordinance shall become effective upon its passage and posting according to law.

## CHAPTER 9 – Building and Construction

### 9.01 Construction Codes

- (1) Uniform Dwelling Code.
  - (a) Authority. These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
  - (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 June 1, 1980. Notwithstanding ~~Section ILHR 20.05~~ Wis. Admin. Code SPS § 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical, smoke alarms, carbon monoxide alarms, or plumbing systems shall comply with the UNIFORM DWELLING CODE, and frost protection of footings, which shall be determined by the code official. Petitions for variances shall be submitted to the Town. The Town shall forward all variance petitions to the Department of Safety and Professional Services. All variance petitions shall be accompanied by a recommendation by the Town relating to the petitioned variance. All appeals shall be handled by the Town.
  - (d) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, and all amendments, including Wis. Admin. Code Chapters SPS 320 – 325, 327, shall apply to all building within the scope of this ordinance.

### 9.02 Building Permits

- (1) Building Permit Required. No person shall alter a building in excess of \$500.00 value in any twelve-month period, , add onto a building in excess of \$500.00 value, or build or install a new 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 if over the forgoing thresholds. 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 and shall include the applicable fee per Wis. Admin. Code § SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined in Wis. Admin. Code § SPS 327.09 and inspection fees as outlined within Wis. Admin. Code § 327.10(3) will also be included in this resolution.
- (3) Sanitation Units and Dumpsters. Sanitation units and dumpsters are required at all new home and commercial building sites.
- (4) Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Industry Services, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical and UDC Plumbing.

- (5) Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.
- (6) Records. The Town shall keep a record of all inspections completed and retain such records, in accordance with Wis. Admin. Code § SPS 320.10(6) and shall file UDC permits with the Wisconsin Department of Safety and Professional Services in accordance with Wis. Admin. Code § 320.09(2)(a)2.

### 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 grading, 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 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 rights-of-way shall be a part of a recorded subdivision or recorded as Certified Surveys, with all survey irons in place.
  2. All rights-of-way shall be deeded to the Town for Town road purposes regardless of whether said rights-of-way 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
5.	Minimum height clearance free of trees, wires, etc.	18 feet
6.	Maximum grade	30%
	(grades >20% will require an engineer's plan)	
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 ditch line 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 ditch line 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 ditch lines 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 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**

- (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 11 – Recycling**

### **11.01 Purpose of Chapter**

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

### **11.02 Statutory Authority**

This ordinance is adopted as authorized under s. 287.09(3)(b), Wis. Stats.

### **11.03 Abrogation and Greater Restrictions**

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

### **11.04 Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted considering the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

### **11.05 Severability**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

### **11.06 Applicability**

The requirements of this ordinance apply to all persons within the Town of Chase, Oconto County, Wisconsin.

### **11.07 Administration**

The provisions of this ordinance shall be administered by the Town of Chase town board members.

### **11.08 Effective Date**

The provisions of this ordinance shall take effect on January 1, 2017.

### **11.09 Definitions**

For the purpose of this ordinance:

- (1) “Bi-metal container” means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (2) “Container board” means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) “Curbside Waste Removal and/or Recycling” means a service provided to residents wherein the Designated Hauler collects waste and/or recycling from the curb of the residential

driveway. Such collection will be made from designated containers. Items too large for the designated container are not eligible for curbside removal and a Designated Hauler is not required to collect them.

- (4) “Foam polystyrene packaging” means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
- (a) Is designed for serving food or beverages.
  - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (5) “Designated Hauler” means any Hauler who has entered into a contract with the Town of Chase to provide curbside waste removal and/or recycling services to Town residents.
- (6) “Glass Container” means a glass bottle, jar or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead based glass such as crystal, or TV tubes.
- (7) “Hauler” means any person, firm, partnership or corporation that collects solid waste or recyclables for storage, treatment, processing, marketing or disposal in the Town of Chase.
- (8) “HDPE” means high density polyethylene, labeled by the SPI code # 2.
- (9) “LDPE” means low density polyethylene, labeled by the SPI code # 4.
- (10) “Magazines” means magazines and other materials printed on similar paper.
- (11) “Major appliance” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater or stove.
- (12) “Multiple-family dwelling” means a property containing 5 or more residential units, including those which are occupied seasonally.
- (13) “Newspaper” means a newspaper and other materials printed on newsprint.
- (14) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple family dwellings.
- (15) “Office paper” means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (16) “Other resins or multiple resins” mean plastic resins labeled by the SPI code # 7.
- (17) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in Wis. Stat. § 66.0131(1)(a), state agency or authority or federal agency.
- (18) “PETE” or “PET” means polyethylene terephthalate, labeled by the SPI code # 1.
- (19) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (20) “Postconsumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stat. § 291.01(7), waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stat. § 289.01(17).
- (21) “PP” means polypropylene, labeled by the SPI code # 5.
- (22) “PS” means polystyrene, labeled by the SPI code # 6.

- (23) “PVC” means polyvinyl chloride, labeled by the SPI code # 3.
- (24) “Recyclable materials” includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (25) “Solid waste” has the meaning specified in Wis. Stat. § 289.01(33).
- (26) “Solid waste facility” has the meaning specified in Wis. Stat. § 289.01(35).
- (27) “Solid waste treatment” means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste.  
“Treatment” includes incineration.
- (28) “Waste tire” means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (29) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

#### **11.10 Separation of Recyclable Materials**

Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.
- (14) Steel containers
- (15) Waste tires

#### **11.11 Separation Requirements Exempted**

The separation requirements of s. 11.10 do not apply to the following:

- (1) Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s. 11.10 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplement fuel at a facility if less than 30 % of the heat input to the facility is derived from the solid waste burned as supplement fuel.

- (3) A recyclable material specified in s. 11.10(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 287.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

### **11.12 Care of Separate Recyclable Materials**

To the greatest extent practicable, the recyclable materials separated in accordance with s. 11.10 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

### **11.13 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste**

Occupants of single family and 2-to-4-unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be not disposed of as solid waste nor be otherwise discarded. It is recommended that batteries be recycled within the marketplace at places such as garages and buy back locations. Where markets are not available batteries may be dropped off at the Town of Chase recycling drop-off center.
- (2) Major appliances shall be dropped off at the Town of Chase recycling drop-off center. Appliances shall be free of any contaminants. Freon and other such materials need not to be removed from the appliance.
- (3) Waste oil shall be dropped off at the Town of Chase recycling drop-off center. Waste oil shall be free from any other material. Other liquids such as transmission fluid, paint, thinners, etc. are prohibited.
- (4) Yard waste shall be dropped off at the Town of Chase compost site or managed by residents on the property the materials originated on.

### **11.14 Preparation and Collection of Recyclable Materials**

(1) Town Drop-Off Center. Except as otherwise directed by the Town of Chase drop-off center attendants or the Town of Chase town board members, occupants of single family and 2-to-4-unit residences shall do the following for the preparation and collection of the separated materials specified in s. 11.10(5) through (15):

- (1) Aluminum containers shall be placed in the proper aluminum container bin at the Town of Chase recycling drop-off center.
- (2) Bi-metal containers shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
- (3) Corrugated paper or other container board shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
- (4) Foam polystyrene packaging shall be recycled where acceptable or disposed of in the proper solid waste container at the Town of Chase recycling drop-off center.
- (5) Glass containers shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
- (6) Magazines shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.

- (7) Newspaper shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
  - (8) Office paper shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
  - (9) Rigid plastic containers labeled 1-7 shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center.
  - (10) Steel containers shall be placed in the proper single stream recycling container located at the Town of Chase recycling drop-off center. 115
  - (11) Waste tires shall be delivered to the Town of Chase recycling drop-off center. Tipping fees will apply.
- (2) Curbside Waste Removal and/or Recycling. In addition to the Town of Chase drop-off center, the Town of Chase may designate one or more Haulers to provide curbside waste removal and/or recycling services to Town of Chase residents. Participating in curbside waste removal and/or recycling shall be optional for Town of Chase Residents, but if a Town of Chase resident desires curbside waste removal and/or recycling, they must contract with a Designated Hauler. The Town may designate a Hauler for curbside waste removal, curbside recycling, or both.

#### **11.15 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings**

- (1) Owners or designated agents of multiple-family dwellings shall do all the following to recycle the materials specified in s. 11.10(5) through (15):
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (2) The requirements specified in 1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.10(5) through (15) from solid waste in as pure a form as is technically feasible.

#### **11.16 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties**

- (1) Owners or designated agents of non-residential facilities and properties shall do all the following to recycle the materials specified in s. 11.10(5) through (15):
  - (a) Provide adequate, separate containers for the recyclable materials.
  - (b) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
  - (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

- (d) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in 1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 11.10 (5) through (15) from solid waste in as pure a form as is technically feasible.

### **11.17 Prohibitions on Disposal of Recyclable Materials Separated for Recycling**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 11.10 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

### **11.18 Enforcement**

- (1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Chase may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Chase who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Chase town board to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
  - (a) Any person who violates s. 11.17 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
  - (b) Any person who violates a provision of this ordinance, except s. 11.17, may be required to forfeit not less than \$10 or more than \$1000 for each violation.

### **11.19 Haulers**

(1) Permit Required. No person shall engage in the business of regularly collecting, hauling or transporting recyclable material or solid waste from residences within the Town of Chase without first having obtained an annual permit for such activity from the Town of Chase. The permit shall be issued for a period of one (1) year or applicable part thereof. All permits shall expire on June 30 of each year. The person shall pay an annual fee that shall be determined from time to time by resolution of the Town of Chase Town Board. A copy of the permit identifying

the vehicle being used shall be retained with the vehicle and shall be available for display to any person requesting display of such permit upon request.

(2) Hauler Licensing. Haulers who collect solid waste or recyclables in the Town of Chase for storage, treatment, processing, marketing or disposal shall obtain and maintain all necessary municipal or state permits, licenses and approvals prior to collecting any materials in the Town of Chase.

(3) DNR Licensing. No person or corporation shall engage in the business of hauling waste removal or recyclables within the Town of Chase without being licensed by the Department of Natural Resources under Wis. Admin. Code § NR 502.06.

(4) Insurance Required. No permit shall be issued until and unless the person applying for such permit shall file and maintain with the office of the Town of Chase Clerk suitable and appropriate evidence of public liability insurance covering all operations of the person applying for such permit and all vehicles to be operated in the conduct of such operations in the amount of not less than One Million Dollars (\$1,000,000.00) for bodily injury per occurrence and One Hundred Thousand Dollars (\$100,000.00) for damage to property. If required by state law, such person shall also carry appropriate worker's compensation insurance. The Town of Chase shall be named as an additional insured on any such public liability insurance. Additionally, such insurance shall provide that the Town of Chase shall receive notification if there is any cancellation or lapse of policy coverage. Any permit issued hereunder shall be automatically suspended if, for any reason, such insurance is suspended or cancelled until the insurance is renewed or reinstated.

(5) Hold Harmless. In addition to the insurance required, the person applying for a permit shall agree to execute and deliver to the Town of Chase Clerk a Hold Harmless Agreement in which the person applying for the permit agrees to save and hold the Town of Chase, its agents or employees harmless from all liabilities of any kind or nature whatsoever which may arise as a result of the person being issued a permit as described herein. Such Hold Harmless Agreement shall be executed prior to the issuance of the permit.

### **11.20 Designated Hauler**

(1) Designated Hauler. In addition to the Town of Chase recycling drop-off center, the Town will provide, through its Designated Hauler(s), curbside waste removal and recycling services to all residential dwelling units seeking such services. The Town of Chase, through the Town Board, is authorized to designate one or more Haulers, as defined in 11.19, to operate curbside waste removal and recycling programs within the Town of Chase.

(2) Abidance by Designated Hauler's Rules and Conditions. All residents shall abide by the rules and conditions of the Designated Hauler, as long as the Designated Hauler is operating in accordance with the contract between the Designate Hauler and the Town of Chase.

(3) Multi-family Dwellings and Non-Residential Facilities. Owners of multi-family dwellings and non-residential facility are responsible for coordinating and contracting for proper solid

waste and recycling removal from such property. Any Hauler that provides services to a multi-family dwelling or non-residential property in the Town of Chase must comply with the requirements of Subsections 11.19 and 11.22.

(4) Required Recordkeeping. Once a year, all Designated Haulers will provide the Town with a complete list of all Residences to which they are providing service. Such annual list will be provided by July 31<sup>st</sup> for all Residences being serviced on June 30<sup>th</sup>. By the 15<sup>th</sup> of each month, Designated Hauler will provide notice to the Town of all new service contracts entered into with Residents during the month prior.

### **11.21 Fees for Designated Hauler**

Residents seeking curbside waste removal and/or recycling services shall contact, arrange, and contract such services directly with the Designated Hauler, in accordance with the contract between the Designated Hauler and the Town of Chase. All fees for waste removal and/or recycling to residential properties shall be the responsibility of the residents. Failure to pay any valid bill sent by the Designated Hauler within 60 days of the due date shall be a violation of this chapter.

### **11.22 Haulers' Right to Reject Materials**

(1) Right to Reject. A Hauler or Town of Chase has the right to reject or leave at the curb any solid waste or recyclable material that is not prepared according to the specifications in this article. Materials may also be left if recyclables are not separated from solid waste or not designated recyclable materials for collection. Materials may be left if not placed in the proper container. The Hauler or Town of Chase also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the Hauler or attendant shall notify the generator of the materials about the reasons for rejecting the items. The Hauler shall also keep a list of such occurrences and provide it to the Town of Chase quarterly upon request.

(2) Required Recordkeeping. Haulers operating in the Town of Chase are required to maintain records and report in writing to the Town of Chase Clerk or other designee at least once each year. Reports shall include the amount of solid waste and/or recyclables collected and transported from the Town of Chase. The Town Clerk shall maintain and post an appendix detailing the reports required and the dates by which they are required. Such appendix will be reviewed by the Town Clerk yearly to ensure accuracy but the Town Clerk may update the appendix at any time, provided an updated copy is posted and the Town Clerk informs all Designated Haulers of such change. Failure to report shall be cause for the Town of Chase to revoke any license or sever any contract with the Hauler.

(3) Landfill Disposal Forbidden. Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated or collected in the Town of Chase.

### 11.23

Persons shall not pilfer recyclables or disturb recyclables once those materials are placed for collection. All recyclable materials placed for collection pursuant to this ordinance shall thereupon become the property of the Town of Chase or a Hauler. Only persons authorized by the Town of Chase or a Hauler shall collect or handle recyclable materials once those materials have been placed appropriately for collection. Any and each collection by unauthorized persons in violation of this provision shall constitute a separate and distinct offense punishable as provided hereinafter.

## CHAPTER 12 – Nonmetallic Mining

### 12.01 Purpose of Chapter

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 another 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 unclaimed 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 consider, 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 condition 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 consider 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 31<sup>st</sup>. 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) workdays 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 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 following 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., 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 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 decide 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

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 to secure uniform statewide regulation of Manufactured Homes or Mobile Homes in the Town.

### 13.02 Mobile Home Park Regulations

(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

- (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 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) acres; 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, playgrounds 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 principal 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 documenting 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 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 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 Data.** 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 unplotted 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 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 because 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 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 assurance 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 decide 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.

## **CHAPTER 15 – Elections**

### **15.01 Number of Election Officials**

The number of election officials shall consist of seven (7) inspectors at each polling place except in municipalities where voting machines are used, then it may be reduced to five (5) as provided by Section 7.30 of the Wis. Stats.

### **15.02 Election Split Shifts**

The Town of Chase Board provides for election officials to work full or split shifts, allowing for the selection of two or more sets of officials to work at different times on election day as determined by the Chief Election Inspector or Town Clerk.

### **15.03 Destruction of Election Materials**

All materials and supplies associated with an election shall be destroyed as provided by Section 7.23 of the Wis. Stats.

## CHAPTER 16 – Traffic Control

### 16.01 State Traffic Laws Adopted

(1) Except as otherwise specifically provided in this section, the statutory provisions in Wis. Stats. Ch. 23, §30.50 to §30.71, §30.80, §30.99, Ch. 167, Ch. 340 to Ch. 348 and §941.01(1), describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any act, required to be performed, or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section to secure uniform statewide regulation of traffic on the highways, streets, roads, and alleys of the State of Wisconsin. Sections of the Wisconsin statutes adopted herein shall have the same number in this code preceded by (4.) and may be so cited.

(2) Sections of Wis. Stats. Ch. 340 through Ch. 348 adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined.
341.04	Penalty for operating unregistered vehicles, etc.
341.11(4)	Display of registration plates.
341.15	Display of registration plates.
341.16(4)	Issuance of duplicate plates.
341.41	Reciprocity permits.
341.51(5)	Dealer registration.
341.55	Misuse of dealer plates.
341.57(3)	Registration of finance companies and financial institutions.
341.61	Improper use of evidence of registration.
341.62	False evidence of registration.
341.63	When registration is to be suspended.
342.05(4)	Certificate of title required.
342.15(5)(6)(7)	Transfer of interest in vehicle.
342.23	Secured party's and owner's duties.
342.30, 342.31, 342.32, 342.34	Anti-theft and anti-fraud provisions.
343.01	Word and phrases defined.
343.05	Operators to be licensed; exceptions.
343.305	Implied consent.
343.35	Surrender of licenses upon cancellation, revocation, suspension.
343.45 - 434.46	Unlawful practices related to licenses.
343.60 - 343.72	Licensing of driver's schools and instructors.
343.73	Penalty for violation of Wis. Stats. §343.60-§343.72.
344.01	Word and phrases defined.
344.45 - 344.47	Penalties for violations of chapter.
344.51	Financial responsibility for domestic rented vehicles.

345.01	Words and phrases defined.
345.20 - 345.53	General provisions in traffic forfeiture actions.
345.55	Traffic officers not to profit from arrests.
346.01	Words and phrases defined.
346.02	Applicability of chapter.
346.03	Applicability of rules of the road to authorized emergency vehicles.
346.04, 346.05- 346.16	Driving, meeting, overtaking, and passing.
346.17	Penalty for violating Wis. Stats. §346.04-§346.16.
346.18 - 346.21	Right-of-way.
346.22	Penalty for violating Wis. Stats. §346.18-§346.21.
346.23 - 346.29	Drivers and pedestrians.
346.30	Penalty for violating Wis. Stats. §346.23-§346.29.
346.31 - 346.35	Turning and stopping and required signals.
346.36	Penalty for violating Wis. Stats. §346.31-§346.35.
346.37 - 346.42	Traffic signs, signals, and markings.
346.43	Penalty for violating Wis. Stats. §346.37-§346.42.
346.44 - 346.48	Required stops.
346.49	Penalty for violating Wis. Stats. §346.44-§346.48.
346.50 - 346.55	Restrictions on stopping and parking.
345.56	Penalty for violating Wis. Stats. §346.50-§346.55.
346.57 - 346.595	Speed restrictions.
346.60	Penalty for violating Wis. Stats. §346.57-§346.595.
346.61	Applicability of sections relating to reckless and drunken driving.
346.62	Reckless driving-first offense in four (4) years.
346.63	Operating under influence of intoxicant-first offense in ten (10) years.
346.64	Employment of drunken operators-first offense in one (1) year.
346.65(1) and (2)	Penalty for violating Wis. Stats. §346.62-§346.64.
346.66	Applicability of sections relating to accident and accident reporting.
346.67	Duty upon striking person or attended or occupied vehicle.
346.68 and 346.69	Duty upon striking unattended vehicle-upon striking property on or adjacent on highway-first offense within a year.
346.70-346.73	Duty to report accident, etc.
346.74	Penalty for violating Wis. Stats. §346.67-§346.73.
346.77 - 346.81	Bicycles and play vehicles.
346.82	Penalty for violating Wis. Stats. §346.77-§346.81.
346.87 - 346.94	Miscellaneous rules.
346.95	Penalty for violating Wis. Stats. §346.87-§346.94.
347.01 - 347.05	General provisions.
347.06 - 347.29	Lighting provisions.
347.30	Penalty for violating lighting equipment requirements.
347.35 - 347.49	Other equipment.
347.50	Penalty for violating Wis. Stats. §347.35-§347.49.
348.01 - 348.02	Size, weight, load-General Provisions.
348.05 - 348.10	Size and load.

348.11	Penalty for violating size and load limitations.
348.15 - 348.20	Weight.
348.21	Penalty for violating weight limitations.
348.25 - 348.27	Permits.
348.28	Permits to be carried-penalty.

(c) *Wis. Adm. Code Provisions Adopted.* Hereby adopted by reference are the following Standards for Motor Vehicle Equipment. Any future amendments, revisions, or modifications of the provisions incorporated herein are intended to be made part of this code to secure uniform state-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

<b>Subchapter I</b>	<b>General Provisions</b>
Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.04	Penalty.
Trans 305.03	Enforcement.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed, and off-road vehicles.
<b>Subchapter II</b>	<b>Automobiles, Motor Homes, and Light Trucks</b>
Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamps.
Trans 305.09	Directional signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Head Lamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamps.
Trans 305.14	Side marker lamps, clearance lamps, and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, and latches.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraining devices and seats.
Trans 305.28	Speed indicator and odometer.
Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side, and rear windows.
Trans 305.33	Windshield defroster-defogger.
Trans 305.34	Windshields.
Trans 305.35	Windshield wipers.
<b>Subchapter III</b>	<b>Motorcycles</b>
Trans 305.37	Applicability of Subchapter III.
Trans 305.38	Brakes.
Trans 305.39	Exhaust system.
Trans 305.40	Fenders and bumpers.
Trans 305.41	Fuel system.
Trans 305.42	Horn.

Trans 305.43	Lighting.
Trans 305.44	Mirrors.
Trans 305.45	Sidecars.
Trans 305.46	Suspension system.
Trans 305.47	Tires, wheels, and rims.
<b>Subchapter IV</b>	<b>Heavy Trucks, Trailers, and Semi-trailers</b>
Trans 305.48	Definitions.
Trans 305.485	Applicability of Subchapter IV.
Trans 305.49	Axle control valves.
Trans 305.50	Bed and body on trailers and semi-trailers.
Trans 305.51	Brakes on heavy trucks, trailers, and semi-trailers.
Trans 305.52	Coupling devices.
Trans 305.53	Fenders and mud guards.
Trans 305.54	Frames on heavy trucks, trailers, and semi-trailers.
Trans 305.55	Lighting devices.
Trans 305.56	Rear end protection.
Trans 305.57	Suspension system on heavy trucks, trailers, and semi-trailers.
Trans 305.58	Wiring.

## 16.02 Official Traffic Signs and Signals

(1) The Town officials are authorized to procure and erect signs and signals. The Town officials are hereby authorized and directed to procure, erect, or cause to be erected and maintain appropriate standard traffic signs, signals, and markings conforming to the rules of this chapter as required by state law. Signs shall be erected in such locations and manner as the Board shall determine will best affect the purposes of this chapter and give adequate warning to users of the street or highway.

(2) **Removal of Unofficial Traffic Signs and Signals.** The Town officials or designee shall have the authority granted by Wis. Stats. §349.09 and are hereby directed to order the removal of a sign, signal, marking, or device placed, maintained, or displayed in violation of this section or Wis. Stats. §346.41. Any signs which impose any immediate safety risk to pedestrians, vehicular traffic, or the public at large may be removed by the law enforcement designee without prior approval after ascertaining, if possible, that permission has not been granted by Town officials for posting of said signs. Any charge imposed on a premise for removal of an illegal sign, signal, or device shall be reported to the Board at its next regular meeting for review and certification.

## 16.03 Illegal Signs

(1) **Erection of Signs.** Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. §86.191(1)(2)(3)(4) are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions, or modifications of this statute incorporated herein are intended to be made part of this chapter.

(2) No person shall post or fasten on any telegraph, telephone, traffic post, or electric pole within the Town or upon any tree within any street or public ground in the Town any bill, sign, notice, or advertising device.

(a) Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.

(b) Section 12.03 (1) and (2) applies to illegal signs placed in applicable highway rights-of-way in view of pedestrians and vehicular traffic.

## 16.04 Disorderly Conduct with a Motor Vehicle

**(1) Conduct Prohibited.** No person shall, within the Town, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini-bike, go-carts, snowmobile, or other means of conveyance operated by motor, cause or provoke disorderly conduct with a motor vehicle.

**(2) Definition.**

*(a) Disorderly conduct with a motor vehicle.* While operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of the horn, causing the engine to backfire, or causing the vehicle, while commencing to move or while in motion, to raise one (1) or more wheels off the ground.

1. This subsection also applies to the intentional pushing, unlawful towing, or any other intentional contact of a motor vehicle by another motor vehicle on any highway within the Town.

2. Specifically excluded from this definition are legitimate, scheduled racing events. Law enforcement officials, highway maintenance units or authorized wrecker services in the performance of their respective duties are exempt from this section.

## 16.05 Negligent Operation of Vehicle

Except as otherwise specifically provided in this section, the statutory provisions describing and defining regulations with respect to negligent operation of vehicle in Wis. Stats. §941.01(1) are hereby adopted by reference and made part of this section as if fully set forth herein. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

## 16.06 Compression Brakes Prohibited

No person shall use motor vehicle brakes within the Town, which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to the prosecution under this section that such compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.

## 16.07 Enforcement Procedure

**(1)** This chapter shall be enforced according to Wis. Stats. Ch. 799 and §23.33, §66.12, §345.11-§345.61, and §350.17.

**(2) Deposit.**

*(a)* Any person arrested for a violation of this section may make a deposit of money as directed by the arresting officer at the Clerk of Court's office or by mailing the deposit to such place.

*(b)* The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of guilty and submitted to a forfeiture and penalty assessment if required by Wis. Stats. 757.05(1), a jail assessment if required by Wis. Stats. 302.46, plus any applicable fees prescribed in Wis. Stats. Ch. 814, not to exceed the amount of the deposit that the court may accept as provided in Wis. Stats. §345.37.

2. If the person fails to make a deposit for a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.

(c) The amount of the deposit shall be determined in accordance with the Wisconsin Revised Uniform Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include the penalty assessment established under Wis. Stats. 757.05(1), a jail assessment if required by Wis. Stats. 302.46, and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Board, which shall include the penalty assessment. Deposits for non-moving violations shall not include the penalty assessment. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by Wis. Stats. §345.26(3)(b).

**(3) Petition to Reopen Judgment.** Whenever a person has been convicted in Wisconsin on the basis of a forfeiture of deposit or plea of guilty or no contest and he or she was not informed under Wis. Stats. §345.27(1) and (2), he or she may, within sixty (60) days after being notified of the revocation or suspension of his or her operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on merits.

If the court finds that the petitioner was not informed as required under Wis. Stats. §345.27(1) and (2), it shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

## **16.08 Heavy Truck Routes**

**(1)** The following streets in the Town are hereby designated as heavy truck routes under the provisions of Wis. Stats. §349.17:

(a) County and State Roads only. No town roads are open to truck traffic without a permit.

**(2) Trucks Prohibited on Other than Designated Heavy Truck Routes.** It shall be unlawful for any person or company to operate any motor vehicle having a gross weight of more than eight thousand (8,000) pounds except motor buses on any street other than on a federal or state trunk highway or on streets designated in Section 16.08 (1) hereof, except when necessary for the purpose of obtaining orders and delivering and moving supplies or other necessary commodities to or from any place of business or residence fronting on any such streets, and except when necessary for the purpose of leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated for heavy truck traffic as provided in Section 16.08 (1) hereof, such operator shall leave and re-enter such heavy truck routes at the point closest to his or her immediate destination.

**(3) Truck Route Signage.** The Town officials shall erect or cause to be erected appropriate signs to give notice of the designation of the streets listed in Section 16.08 (1) as heavy truck routes.

**(4) Commercial Motor Vehicles Prohibited from Using Certain Streets.** No person shall operate any motor truck, road tractor, or truck tractor upon any street that is not designated as a heavy truck route, except for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any place of business or residence fronting on such streets.

## **16.09 Parking**

### **(1) Parking Prohibited**

(a) Parking is prohibited on all Town streets from December 1 to April 15, between the hours of 2 a.m. and 6 a.m.

(b) Parking of vehicles with a gross vehicle weight rating in excess of ten thousand (10,000) pounds is prohibited on all Town streets. Temporary parking of such vehicles in front of a residence or business is permitted for the purpose of delivering goods or services to that residence or business: however, in no case shall overnight parking be permitted.

(c) Parking of boats, recreational vehicles, motor homes, and all types of trailers is prohibited on all Town roads.

- (d) *Snow Emergency*. The Town officials may prohibit traffic and/or parking on streets in certain areas to facilitate snow removal at any time and to tow away or otherwise cause removal of any vehicles parked in the prohibited area during the snow emergency period.
1. A declaration of snow emergency shall include the days and times during which traffic or parking is prohibited, and the names of streets and/or areas affected.
  2. Notice of a snow emergency will be given either by publication in a local newspaper, by announcement over a local commercial television or radio station, by placement of signs in the areas designated, or by other appropriate or convenient means notifying the public that traffic and/or parking of vehicles in the designated area is prohibited during the snow emergency.
- (e) Upon any highway, area, or street where and when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- (f) *Designated Spaces*. Where individual parking spaces are marked on the curbing or pavement, every vehicle shall be parked entirely within the limits of the space so designated.

**(2) Nonmoving Violation and Registration Program.** Pursuant to the provisions of Wis. Stats. §345.28(4) the Town elects to participate in the nonmoving traffic violation and registration program of the Wisconsin Department of Transportation and pay the costs established by the Department under Wis. Stats. §85.13; such costs shall, in turn, be assessed against persons charged with non-moving traffic violations. The Town Attorney shall be responsible for complying with the requirements set forth in Wis. Stats. §345.28(4).

**(3) Parking Prohibited at All Times.** Except temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of an emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle or other equipment on any of the following streets: None at this time.

**(4) Authority.** Subsections (3) do not limit the authority of the Town officials to procure and erect signs and signals under 16.02(1) of the Town of Chase Code of Ordinances.

## 16.10 Definitions

The following terms shall have the meanings indicated:

**(1) Administrative Rule.** The specific requirements that may be created to regulate the storage of unlicensed motor vehicles:

- (a) Number of vehicles.
- (b) Size of enclosures (height, width, etc.).
- (c) Color.
- (d) Type of material.
- (e) Location.
- (f) Restrictions to certain zones only.
- (g) Other conditions as specified by the Board.

**(2) Application.** A written form upon which a request is made for a permit.

**(3) Enclosure.** The type of construction required to hide and harbor vehicles from public view.

**(4) Junked Vehicle.** Any abandoned, disassembled, dismantled, inoperable, or wrecked instrument by which someone travels, or something is conveyed, either by wheels, runners, or tracks.

**(5) Licensed.** Any license that is required to be carried by any motor driven vehicle when driven, used, or propelled upon the public highway.

**(6) Owner.** Considered to be the person or persons who occupy the premises and who may or may not be the responsible person or persons to harbor such unlicensed motor vehicle.

**(7) Permit.** The written authority given by the Board to allow storage of unlicensed motor vehicles.

**(8) Salvage Dealers.** Dealers regulated by Wis. Stats. §175.25.

**(9) Storage.** The placement of a vehicle upon real property described in Town assessment and tax role.

**(10) Unlicensed Motor Vehicle.** A vehicle required to be licensed by the State Department of Transportation when driven or propelled upon a public road but is not so licensed.

**(11) Zoned-Zoning.** Any land use control ordinance, county, or Town, that may be in force.

### **16.11 Unlicensed Motor Vehicles**

No more than one unlicensed motor vehicle shall be permitted to be stored, harbored, or held upon any parcel of property in the Town without a proper permit issued by the Board for that purpose.

The Board is authorized to issue permits to store more than one unlicensed motor vehicle upon a parcel of property when certain enclosure requirements have been met. The type of enclosure to keep stored material from the general view of a passing public shall be predetermined by the Board and may be attached to this section as an amendment or administrative rule.

### **16.12 Abandoned Motor Vehicles**

**(1)** No person or entity shall leave unattended any motor vehicle, trailer, semi-trailer, boat, mobile home, or other similar type of property on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle or property to reasonably appear to have been abandoned. When any such vehicle or property has been left unattended as aforesaid without permission of the Town or property owner for more than twenty-four (24) hours, the vehicle or property is deemed abandoned and constitutes a public nuisance.

**(2)** Any law enforcement officer having jurisdiction, who discovers any vehicle or property on any public or private property which has been abandoned, shall cause the vehicle or property to be removed to a suitable place of impoundment.

**(3)** Any vehicle or property left unattended in violation of this section shall be impounded until lawfully claimed or disposed of under this chapter.

### **16.13 Junked Vehicles**

No junked vehicle, or parts thereof, may be stored outside any building on any property located in the Town without a proper permit issued by the Board for that purpose. No person shall leave any junked vehicle on any street, highway, or other public property within the Town. No person in charge or control of any private property within the Town, whether as owner, tenant, occupant or otherwise, shall allow junked vehicles to remain on such property for more than one (1) week. The Board is authorized to issue permits to store junked vehicles upon a parcel of such property when certain requirements have been met. These requirements shall be established by administrative rule or zoning ordinance adopted by the Board. Such administrative rules shall govern the enclosure of junked vehicles for the purposes of storing junked vehicles from the general view of the passing public.

### **16.14 Enforcement Procedure**

**(1)** Inspection of an enclosure facility may be executed each year before the next year's annual permit is acted on by the Board.

**(2) Revocation of Permit.** A permit to store unlicensed or junked vehicles may be revoked at any time that it is determined that the permit holder is not in compliance with the terms of this section and administrative rules, and/or zoning ordinance, for maintaining property storage enclosures.

**(3) Removal and Impoundment.** After notice to the owner, any vehicle in violation of this subsection may be impounded until lawfully claimed or disposed of under this chapter; except if the Board or its designee determines that the costs of towing and storage charges of impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the

impoundment period upon determination by the Board or its designee that the vehicle is not wanted for evidence or any other reason.

**(4) Disposal.**

*(a) Vehicles or Parts Thereof Exceeding One Hundred Dollars (\$100) in Value.*

1. If the Board or its designee determines that the value of any abandoned vehicle exceeds one hundred dollars (\$100), the owner and lien holders of record shall be notified by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within fifteen (15) days upon payment of accrued towing, storage and notice charges and if not reclaimed, shall be sold.

2. If an abandoned vehicle exceeding one hundred dollars (\$100) in value is not reclaimed within the period and under the conditions provided in Section 12.35 (4) above, it may be sold by sealed bid or at auction. If no satisfactory bid is received, the vehicle may be sold at private sale.

3. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid to the Clerk of Courts.

*(b) Vehicles or Parts Thereof Less than One Hundred Dollars (\$100) in Value.* Any abandoned vehicle which is determined by the Board or its authorized representative to have the value of less than one hundred dollars (\$100) may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

**(5) Owner Responsible for Impoundment and Sale Costs.** The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Town against the owner.

**(6) Public Nuisance.** Nothing in this section shall be construed as prohibiting the abatement of a public nuisance by the Town or its officials in accordance with the laws of Wisconsin.

## **16.99 Penalty, Severability, and Enforcement**

**(1) Penalty.** Any person who violates, or knowingly allows or permits any violation of, any provision of this ordinance, shall be subject to a forfeiture of not less than twenty-five dollars (\$25) and not more than two thousand five hundred dollars (\$2,500) per violation. Failure or refusal to pay forfeiture may result in imprisonment for a period of not more than ninety (90) days for each offense. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

**(2) Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of the same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the court's decision, portions remaining in the ordinance shall retain the full force and effect thereof.

**(3) Enforcement.** Enforcement of this chapter shall be the responsibility of the Board or its designee, and/or law enforcement.

## **CHAPTER 17 – Animal Control**

### **17.01 Definitions**

In this chapter: (1) “Animal” includes every living: (a) Warm-blooded creature (except a human being); (b) Reptile; (c) Amphibian; or (d) Bird.

### **17.02 Mistreating Animals**

No person may treat any animal, whether belonging to the person or another, in a cruel manor. No person shall cruelly treat, inhumanely beat, under feed, overload, or abandon any animal in the Town. No person shall cause or allow any place where any animal is or may be kept becoming unclean or unwholesome.

### **17.03 Animals at Large**

(1) No person, owner, or custodian shall permit an animal 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.

(2) No person, owner, or custodian shall permit any animal to be left unattended within five (5) feet of a public right-of-way.

(a) Such public rights-of-way include, but are not limited to sidewalks, streets, alleys, and parking lots

(b) Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

(3) No person shall permit any animal owned by or under the control of such person to trespass or be upon the property of another person without the owner's or occupant's permission.

### **17.04 Dangerous or Wild Animals**

(a) As stated in Wis. Stats. Â§173.23(4), Â§174.01, and Â§29.921(7) members of the Law Enforcement,

or any peace or health officer in the Town are authorized to kill or restrain any animal, bird, or reptile when it is necessary to protect persons or to prevent the communication or spread of infection or disease.

(b) No person may keep any wild animal not indigenous to Wisconsin, or any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena, coyote, wolf, wolf hybrid, alligator, poisonous snake, prairie dog, or other like dangerous wild animal, reptile, bird or creature in any place within the Town other than in a safely and properly maintained. zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, designated pound, or animal refuge, or in a well-secured vehicle, while being transported without delay to or from any such authorized place or through the Town. Any such animal that is within the Town at any time without being safely and properly maintained as authorized under any of the foregoing is declared to be a public nuisance and shall be dealt with in accordance with the provisions of this section.

(c) It shall be no defense that the keeper of any such animal contrary to the provisions hereof has attempted to domesticate same.

### **17.05 Noisy Animals**

(1) No person shall harbor or keep any animal, bird, or reptile which disturbs the peace by loud or unusual noises at any time of the day or night. . .

(2) No owner or person in control of any dog shall suffer, permit or allow such animal to bark or bay in such a manner as to detrimentally affect the peaceful repose of one (1) or more property owners or

residents of the immediate area, and within earshot of the barking or baying. In determining whether the noise detrimentally affects peaceful repose, the volume of the noise, time of day, length of time the noise persists, the location of the animal, and prior substantiated complaints shall be relevant. Where a dog is left unattended out-of-doors, it shall be presumed the owner or person in control is permitting the noise.

### **17.06 Dogs Licensed**

No person shall own, harbor, or keep any dog within the Town unless the dog is licensed as provided by Wis. Stats. A§ 174.05. All dogs shall be licensed according to the provisions in Section 5.09 of the Town Code.

### **17.07 Nuisance Animals**

Whereas animals, birds, and reptiles may have propensities to or may otherwise cause noise or odor or perform actions which may disturb persons in the reasonable use and enjoyment of property or cause annoyance, discomfort, or injury to the health or welfare of persons, the keeping of any animal, bird, or reptile in conflict with any provision of this section declared to be a public nuisance, and such animal, bird, or reptile may be impounded as provided by law.

### **17.08 Animals Causing Damage or Injury**

(1) Any incident occurring in the Town where any animal bites a person, or is suspected of biting a person, shall be immediately reported to law enforcement or to the Oconto County Health Department by any person having knowledge of such incident and the following procedure shall be followed.

(a) Any animal which bites a person in the Town, if it can be found, or any animal which is customarily kept within the Town and which bites a person, shall be quarantined for a period of ten

( 10) days from the day of the bite for the purpose of observation for the possibility of rabies. Such quarantine shall be affected as directed by the Health Department and may be:

1. Confinement of the animal to a structure or enclosure, which is adequate to with keep the animal on the premises of the owner or agent.
2. Confinement of the animal with a licensed veterinarian.
3. Confinement of the animal at a boarding facility approved by the Town. Costs of boarding shall be at owner's expense.

(b) No animal which is known or suspected to have bitten a person shall be destroyed until after the ten (10) day quarantine period has elapsed, unless it cannot be apprehended safely, in which case the destruction shall be accomplished without damage to the head of the animal, if possible. The Oconto County Health Department shall be immediately notified of such destruction of the animal, and the dead animal shall not be disposed of until such specimens as the Health Department shall direct have been obtained and permission is given by him to dispose of the dead animal.

(c) In case an animal, which has been quarantined in accordance with this section, dies for any reason during the quarantine period, the person having custody of the animal shall immediately notify the Health Department as required in Section 17.08 above.

(2) Without notice, the owner, custodian, or person in control of any animal shall forfeit not less than twenty dollars (\$20) nor more than two thousand five hundred dollars (\$2,500) if the animal causes injury to any person, livestock, property, deer, game birds, or the nests or eggs of game birds.

### **17.09 Keeping Nuisance Animals**

The keeping of any animal, fowl, reptile, mammal, or bird which affects or disturbs the public health, public peace, public safety, or public decency is a public nuisance and is prohibited within the Town. No action shall be taken under this subsection unless and until the Town investigates, and they have ascertained that the raising or keeping of a particular animal, fowl, reptile, mammal, or bird within the Town reasonably constitutes a condition which is detrimental to the public health, safety or welfare. For

purposes of enforcing this subsection, the Humane Officer, Law Enforcement, Building Inspector, or other peace officer may enter any premises for the purpose of inspection. Any person, who violates any provision of this subsection, shall be notified by the Town of the determination that a public nuisance exists on his or her premises. Each day that the condition continues after notification by the Town shall be considered a separate violation of this subsection.

### **17.10 Prohibited Amphibians, Arachnids, or Reptiles**

No person, firm, or corporation shall bring into, kept, maintain, offer for sale, or barter, or release to the wild in the Town:

- (1) any poisonous or venomous biting or injecting species or amphibian, arachnid or reptile (including snakes);
- (2) any snake not indigenous to Wisconsin;
- (3) any snakes indigenous to Wisconsin of the following species, upon attaining a length of five (5) feet or more:
  - (a) The pilot black snake (*Elaphe obsoleta obsoleta*).
  - (b) Bull snake (*Pituophis melanoleucus*).
  - (c) Fox snake (*Elaphe vulpine gloydi*).

### **17.11 Exceptions**

This section shall not prohibit a licensed/permitted circus or like entertainment organization, an educational or medical institution, the Department of Parks and Recreation, or a person designated by the Humane Officer, from keeping such animal where the same are securely and humanely confined.

### **17.12 Dog Napping and Catnapping**

No person may take the dog, cat, or other like animal of another from one (1) place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this Town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of the official duties.

### **17.13 Decompression Prohibited**

No person may kill an animal by means of decompression.

### **17.14 Leading Animal from Motor Vehicle**

No person shall lead any animal upon a highway or roadway from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.

### **17.15 Transportation of Animals**

No person may transport any animal in or upon any vehicle in a cruel manner.

### **17.16 Use of Poisonous and Controlled Substances**

No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. Ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by an animal and for the purposes of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

### **17.17 Shooting at Caged or Staked Animals**

No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participant in the earnings from, or intentionally maintain or allow any place to be used for the shooting,

killing, or wounding with a firearm or any deadly weapon, any animal that is tied, staked out, caged, or otherwise intentionally confined in a man-made enclosure, regardless of size. Nothing in this section prohibits the shooting of any wild game in its wild state or the shooting of game birds and waterfowl at licensed game farms or licensed shooting preserves.

### 17.18 Providing Proper Food and Drink to Confined Animals

As stated in Wis. Stats. §951.13 no person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- (1) **Food.** The food shall be sufficient to maintain all animals in good health.
- (2) **Water.** If potable water is always not accessible to the animals, it shall be provided daily and in sufficient quantity for the health of the animal.

### 17.19 Providing Proper Shelter

As stated in Wis. Stats. §951.14 no person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in Oconto County.

- (1) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (a) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
  - (b) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to always provide for the health of the animals.
- (2) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (a) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (b) *Shelter from inclement weather.*
- (1) **Animals generally.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
- (2) **Dogs.** If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (3) **Space Standards.** Minimum space standards for both indoor and outdoor enclosures shall include:
  - (a) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (b) *Space requirements.* Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress, or abnormal behavior patterns.
- (4) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to move excreta and other waste materials, dirt and trash so as to minimize health hazards.

### 17.20 Keeping of Dangerous/Potentially Dangerous Dogs Regulated

- (1) **Definitions.** The terms used in this section are defined as follows:
  - (a) *Dangerous/Potentially Dangerous Dog.*

1. Any dog with a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of human beings or other domestic animal as evidenced by its habitual or repeated chasing or snapping or barking and/or snarling in a threatening manner.
2. Any dog which attacks a human being or another domestic animal without sufficient provocation.
3. Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.

**(2) Requirements and Prohibitions.**

(a) *Leash and Muzzle.* No person owning, harboring or having the care of a dangerous or potentially dangerous dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet ( 4 ') in length. No person may permit a dangerous or potentially dangerous dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person, s in physical control of the leash.

1. The dog may not be leashed to inanimate objects such as trees, posts, and buildings. A Dangerous or potentially dangerous dog, on a leash outside the dog's kennel and off the owner's property, shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A dangerous or potentially dangerous dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval by the Town Humane Officer and/or Law Enforcement.

(b) *Confinement.* All dangerous or potentially dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Section 17.23 (2) (a) above. The pen, kennel, or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous/potentially dangerous dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet (2'). All structures erected to house dangerous/potentially dangerous dogs shall comply with all zoning and building regulations of the Town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) *Confinement Indoors.* No dangerous/potentially dangerous dog may be kept on a porch, patio, or in part of a house or structure that would allow the dog to exit the building on its own volition. No dangerous/potentially dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) *Prohibited in Multiple Dwellings.* No dangerous or potentially dangerous dog may be kept within any portion of any multiple building.

(e) *Signs.* All owners, keepers, or harbors of dangerous or potentially dangerous dogs shall, within fifteen (15) days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(F) *Insurance.* All owners, keepers or harbors of dangerous or potentially dangerous dogs shall within thirty (30) days of the effective date of this section, provide proof to the Town Humane Officer and/or Law Enforcement of public liability insurance in a single incident amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of dangerous or potentially dangerous dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten (10) day written notice is

first given to the Town Humane Officer and/or Law Enforcement. The owner or custodian of the dog shall produce evidence of the required insurance upon request of the Town Humane Officer and /or any other law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

- (3) **Dangerous/Potentially Dangerous Dog Determination.** The Town Humane Officer and/or Law Enforcement shall investigate every dog complaint and decide as to whether such dog is "dangerous or potentially dangerous", as defined in Section 17.23 (1) (a) above. In the event the Town Humane Officer and/or Law Enforcement decides that the dog is "dangerous/potentially dangerous", he or she shall so inform the owner, keeper or harbor of such dog and provide such person with a copy of this section.
- (4) **Appeal of Dangerous/Potentially Dangerous Dog Determination.** Any person aggrieved by the determination of the Town Humane Officer and/or Law Enforcement, as provided in Section 17.23 above, may appeal such determination by submitting a written appeal to the Board within ten (10) days of such determination. The owner, keeper, or harbored of a dangerous/potentially dangerous dog shall comply with all provisions of this section while awaiting the outcome of the appeal.
- (5) **Compliance.** Within ten (10) days of the determination that a dog is dangerous/potentially dangerous, as provided in Section 17.23 (3) above, the owner, keeper, or harbored of a dangerous/potentially dangerous dog shall either comply with all provisions of this section or dispose of such dog.
- (6) **Disposition of Dangerous/ Potentially Dangerous Dogs.** As stated in Wis. Stats. §95.21(4)(c) and § 17 4.02 any dangerous/potentially dangerous dog which attacks a human being or domestic animal may be ordered destroyed by the Town Humane Officer and/or Law Enforcement or any police officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

### **17.21 Enforcement Authority**

The Town Humane Officer and/or Law Enforcement shall have authority to enforce the provisions of this chapter, including but not limited to seizing any animal which the Humane Officer and/or Law Enforcement reasonably believes has been taken, employed, used, or possessed in violation of this section. The Building Inspector may enforce any provisions of this chapter, which relates to his or her position.

### **17.22 Disposition**

Any seized animal under this chapter shall be held by the Oconto County Health Department, Town Humane Officer, or law enforcement until that animal is identified as to genus and species to ascertain if the animal is an endangered species under Wis. Stats. 29.604.

### **17.23 Animals; Humane Officers**

Except as otherwise specifically provided in this section, the statutory provisions in Wis. Stats. Ch. 173, describing and defining regulations with respect to animals and Humane Officers, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of the chapter as if fully set forth herein. Any act, required to be Reformed, or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this section.